

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

**Date of Decision: February 28, 2025
Appeal No.774 of 2022**

TDI Infrastructure Pvt. Ltd. Registered office at Second Floor,
Mahindra Tower, 2A Bhikaji Cama Place, New Delhi 110022

...Appellant

Versus

M/s Kiran Capital Services Ltd. H.No.16, North West Avenue,
Club Road Market, Punjabi Bagh, New Delhi 110026

...Respondent.

Coram:	Justice Rajan Gupta	Chairman
	Shri Rakesh Manocha	Member (Technical)

Present: Mr. Anjanpreet Singh, Advocate
for the appellant.

Mr. Sukesh Kumar Jindal, Advocate along with
Mr. Ashu Taneja, Director of the respondent-Company.

ORDER

JUSTICE RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against order dated
24.03.2022, passed by the Authority¹ at Panchkula, operative
part whereof reads as under:

*“Respondent shall issue fresh statement of
accounts within 30 days of uploading of this order.
Respondent is directed to issue said statement of
accounts strictly as per provisions of THE REAL
ESTATE (REGULATION AND DEVELOPMENT) ACT,
2016 and principles laid down by the Authority. In
case, respondent fails to follow provisions of THE
REAL ESTATE (REGULATION AND DEVELOPMENT)
ACT, 2016 and principles formulated by the*

¹ Haryana Real Estate Regulatory Authority, Panchkula

Authority. In case, respondent fails to follow provisions of THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016 and principles formulated by the Authority and the complainant is aggrieved by said statement of accounts, he will be at liberty to approach this Authority for resolution of the same.

*As per calculations made by Accounts Branch, amount payable by the respondent to the complainant on account of interest for delay in handover of possession of the shop up to date of receipt of Occupation Certificate i.e. 12.06.2019 i.e. 12.06.2019 has been worked out to Rs.26,70,627/-. The Authority orders that payment of Rs.26,70,627/- will be made to complainant on account of delay caused in offering possession within 90 days of uploading of this order on web portal of the Authority. **Disposed of** in these terms. File be consigned to the record room and the order be uploaded on the website of the Authority.”*

2. Brief factual matrix of the case is that the complainant (respondent herein) booked a shop in the project of the appellant (TDI Infrastructure Pvt. Ltd.), namely, “Radeo Drive-TDI City” at Sonipat in May, 2006. Shop No.FF-4 measuring 800 Sq. Fts. was allotted to the respondent. BBA² between the parties was executed on 22.06.2007. Deemed date of delivery comes to be 06.01.2010. Against the total sale consideration of Rs.36,00,000/-, complainant remitted an amount of Rs.28,82,000/- till the date of filing of the complaint. OC³ was received by the appellant-promoter for the said project on 12.06.2019.

3. Complainant preferred a complaint before the Authority on the plea that there was an inordinate delay by

² Builder Buyer Agreement

³ Occupation Certificate

the promoter in completion of the project and handing over of the possession. He was, thus, entitled for possession of the unit as well as DPC⁴. The complainant was asked for refund of the amount remitted by it. During the course of hearing, it agreed to accept possession along with DPC. Authority, thus, conducted the exercise of calculating the DPC finding that OC was received on 12.06.2019, it worked the DPC of Rs.26,70,627/-. The promoter was given liberty to issue a fresh statement of account within 30 days from uploading of the order. It is not clear that whether any fresh statement of account pursuant to same was issued or not.

4. Learned counsel for the appellant has contended that certain amounts are still outstanding towards the allottee. As per him, same need to be deducted from the amount computed by the Authority. Needless to say all such issues can be considered by the Executing Court before which the proceedings are pending.

5. As regards the possession of the unit, same has already been handed over to the allottee on 21.03.2024 when the possibility of amicable settlement was being explored.

6. In view of aforesaid observations, no *lis* survives in this appeal and the same is hereby dismissed.

7. The amount of pre-deposit made with this Tribunal at the time of filing of this appeal, be remitted to the Authority along with interest accrued thereon, which shall retain the same, till culmination of execution proceedings. The same shall be disbursed as per entitlement of the respective parties.

⁴ Delay Possession Charges

8. Copy of this order be forwarded to the parties as well as their counsel and HREERA, Panchkula.

9. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)
(joined through VC)

28.02.2025
Manoj Rana