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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईन्स, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY

100

Day and Date	Tuesday and 12.08.2025
Complaint No.	MA NO. 271/2025 in CR/4837/2021 Case titled as Vikas Kumar and Shakuntala Khatri VS Imperia Structure Limited
Complainant	Vikas Kumar and Shakuntala Khatri
Represented through	Complainant in person with Shri Randhir Singh Advocate
Respondent	Imperia Structure Limited
Respondent Represented	Shri Kunal Shahi Advocate
Last date of hearing	27.05.2025/appl. u/s 39 of the Act
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings-cum-order

The complainant has filed an application for rectification on 04.04.2025 under section 39 of the Act, 2016 and the reply is been received on 02.07.2025. Ground for rectification of order and the reply on the application dated 02.07.2025.

Ground for rectification of order:

1. In para no. 16 under F.1 on page no. 18 of the order of the Authority, as the unit is virtual space, the complainant is not seeking physical possession. The complainant is seeking directions for the execution of sale/conveyance deed of the allotted unit as per the agreement.
2. In para no. 30 on page 24 of the order, the Authority has held that the prescribed rate of interest shall be determined as per Rule 15 of the Rules, 2017 which states that the prescribed interest rate will be SBI's marginal cost of lending rate (MCLR) + 2%. However, para-H.37 (ii) under Directions of the Authority" on page no. 27, the order incorrectly directs the respondent to pay the assured returns with an interest 9.10% per annum, instead of 11.10% per annum as determined earlier

Respondent's core submissions: -



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CR-4832-2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईन्स, गुरुग्राम, हरियाणा

The counsel for the respondent states the matter has already been adjudicated, and the order was reasoned.

As per the **Builder Buyer Agreement (BBA)** dated 07.09.2016:

- o Assured return of ₹28,646 per month payable till *offer of possession*.
- o Respondent paid assured returns from Sept 2016 to Feb 2020 (₹6,84,870), recorded in the Judgment.
- o Due to COVID-19, assured returns from Mar-May 2020 were not paid, but Occupation Certificate was obtained on 02.06.2020 and possession offered on 22.06.2020.

The Complainant's request to correct interest from **9.10% to 11.10%** is academic, as no delay in assured returns occurred.

Dispute over Committed Returns is contractual/monetary and falls under the Adjudicating Officer's jurisdiction (Section 71), not the Authority's.

Requests are *misconceived, meritless, and beyond the rectification scope*.

The application u/s 39 of the Act is partly allowed. The respondent is obligated to execute conveyance deed in favour of the complainant.

Ashok Sangwan
Member

Arun Kumar
Chairman
12.08.2025