

**BEFORE RAJENDER KUMAR, ADJUDICATING OFFICER, HARYANA
REAL ESTATE REGULATORY AUTHORITY, GURUGRAM.**

Complaint No.5680-2022

Date of order: 04.11.2025

Present: Mr. Manish Yadav, Advocate for applicant/complainant.
Mr. Dhruv Rohatgi, Advocate for non-applicant/respondent.

Order: -

By this order, I dispose of an application seeking rectification/modification in order of this Forum dated 27.10.2023. Through said order, a complaint filed by present complainant was decided by this Forum.

2. It is submitted by learned counsel for applicant that on very first date of hearing in said complaint i.e. 11.10.2022, he filed an application, with a prayer to delete the name of Mrs. Sunita Sharma wife of Ved Prakash Sharma, stating that her name was inadvertently mentioned in the complaint. Said application was allowed and name of co-complainant Mrs. Sunita Sharma was ordered to be deleted by this Forum. Despite all this, in the final order/judgment, name of Mrs. Sunita Sharma is still mentioned as co-complainant.

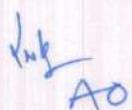
3. Aforesaid fact is not disputed on behalf of non-applicant/respondent. Considering all this, this prayer of complainant is allowed. Name of Mrs. Sunita Sharma is deleted as one of complainants.

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4. Another modification/amendment sought by applicant is that same is entitled for loss of rent from 06.09.2017 till 22.02.2022. According to learned counsel for applicant, his client has prayed for loss of rent till 22.02.2022 but this Forum has allowed loss of rent till 24.01.2019 i.e. for 15 months only. Learned counsel explained that his client received actual physical possession on 22.02.2022 and that after order passed by the Authority on 10.02.2022. Copy of such an order has been put on file.

5. Prayer of applicant in this regard is opposed by learned counsel for non-applicant/respondent stating that even the Authority in previous complaint lodged by same complainant, i.e. complaint no. 1529 of 2019 had allowed delay possession charges from 06.09.2017 to 24.01.2019 only.

6. True, while deciding said complaint i.e. complaint no. 1529 of 2019 through order dated 10.09.2019, the Authority was of opinion that complainant was entitled for DPC at prescribed rate of interest 10.35% per annum w.e.f. 06.09.2017 to 24.01.2019 and same was accordingly allowed. But at the same time, as pointed out earlier through order dated 10.02.2022, the Authority found that actual physical possession was not handed over to the present complainant. Observing all this, Authority directed JD (present respondent) to ensure that possession of subject unit

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is handed over by 21.02.2022. Admittedly the complainant has received possession on 21.02.2022.

7. Considering facts mentioned above, this prayer of applicant/complainant is also allowed and the impugned order dated 27.10.2023 is modified to the extent that complainant is entitled for rental loss at rate Rs.20,000/- per month from 06.09.2017 to 21.02.2022.

8. This application is thus allowed. File be sent back to the record room.

Announced in open court today i.e. on 04.11.2025.

RK
(Rajender Kumar)
Adjudicating Officer,
Haryana Real Estate Regulatory
Authority, Gurugram.