

Abhishekh Gupta  
V/s  
Vatika Ltd.

Appeal No. 259/2019

Present: Sh. John Mathew, Advocate, ld. counsel for the appellant.

Ms. Palak Dev, Advocate, ld. counsel for the respondent.

The present appeal has been preferred against the order dated 27.03.2019 passed by the ld. Haryana Real Estate Regulatory Authority (hereinafter called the "Authority") in complaint no. 2066 of 2018 whereby the complaint filed by the appellant/allottee was disposed of with a direction to the respondent/promoter to refund the amount paid by the complainant after deducting 10% of the total sale consideration without any interest within 90 days.

At the time of arguments, ld. counsel for the appellant has raised only the issue regarding denial of the interest. He pleaded that though the appellant/allottee has not received any intimation, but as per the case of the respondent/promoter, the allotment was cancelled in June' 2018 but still the amount deposited by the appellant has been withheld by the respondent/promoter and the appellant is entitled for interest for his money used by the respondent/promoter.

Ms. Palak Dev, Advocate ld. counsel for the respondent has very fairly conceded this plea raised by the ld. counsel for the appellant. She states that the respondent/promoter has no objection if the impugned order is modified granting the interest to the appellant at the prescribed rate.

So, the present appeal is hereby disposed of with the modification of the impugned order dated 27.03.2019 passed by the Ld. Authority to the extent that the appellant shall also be entitled to

interest at the prescribed rate i.e. 10.20% P.a. on the amount of refund from the date of filing the complaint filed by the appellant till realization. The forfeiture of 10% of the total sale consideration as ordered by the Id. Authority shall remain intact.

With aforesaid modification, the appeal stands disposed of.

File be consigned to the record.

Justice Darshan Singh (Retd.)  
Chairman,  
Haryana Real Estate Appellate Tribunal,  
Chandigarh  
05.03.2020

Inderjeet Mehta  
Member (Judicial)  
05.03.2020

Anil Kumar Gupta  
Member (Technical)  
05.03.2020