



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1969 OF 2019

Anita Dewan

....COMPLAINANT

VERSUS

M/s Vatika Limited & Anr.

....RESPONDENT(S)

CORAM: Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag

Chairman
Member
Member

Date of Hearing: 22.12.2020

Hearing: 10th

Present: - Mr. P. C. Dewan, counsel for respondent through
video conference

Mr. Kamal Dahiya, counsel for respondent

ORDER (RAJAN GUPTA - CHAIRMAN)

1. The brief facts of the case were discussed in order dated 22.01.2020 and today the case is listed for final arguments. It is to be noted that all the issues pertaining to the present complaint between the parties are settled

barring the payment of EDC, Additional EDC and the interest of ₹40,122.56/- charged by the respondents on account of delayed payment of installments.

2. The respondent herein has claimed an amount of ₹3,91,809/- from the complainant as Additional External Development Charges. It is to be noted that the matter concerning Enhanced EDC is pending before Hon'ble High Court wherein a stay has been granted on payment of the same.

The Additional EDC, in the present case, has not been paid to the concerned department by the respondent and therefore the same is not recoverable for the time being from the complainant on account of the stay granted by the Hon'ble High Court. Additional EDC may be charged from the complainant only on vacation of the stay by Hon'ble High Court.

3. Regarding the payment of External Development Charges it is decided that the EDC amounting to ₹5,05,836.24/- has to be paid by the complainant.

4. On the last date of hearing, i.e. 17.11.2020, the respondent was directed to file his submission in writing with respect to the detailed calculations depicting the manner in which the complainant had been charged by him with ₹40,122.56/- for late payment of installments. The submission of respondent made on 11.12.2020 lacks the detailed calculations in respect of the said amount charged as interest on account of delayed payment of installments.



Since, no proof as to the same has been furnished by the respondents the plea to charge ₹40,122.56/- from complainant as interest for late payment of installments is dismissed.

5. The respondent in its submission made on 11.12.2020 made a plea for recalculation of the delay period. The counsel for respondent also averred before the Authority that the total period of delay in handing over of possession comes out to be 5 years and 2 months and not 6 years as stated in the order of the Authority dated 16.09.2020, since the offer of possession was made on 31.05.2019.

The Authority finds no merit in this averment for the reason that the offer of possession made on 31.05.2019 was sent alongwith unjustified demands. Therefore, the same cannot be treated as a valid offer.

6. In view of all the aforementioned facts and the previous orders of the Authority in the present case, the charges payable by the complainant, i.e. the IFMS charges amounting to ₹25,116/-, the Sewer Connection Charges amounting to ₹12,500/- and the External Development Charges amounting to ₹50,5836.24/- are liable to be set off against the delay compensation payable by the respondent. The amount of delay compensation, i.e. ₹13,91,695 as stated in the order of the Authority dated 16.09.2020 is calculated for the period 17.02.2014 to 17.02.2020. The respondent is therefore directed to pay the balance amount to complainant, i.e. ₹8,48,243 for the said period.



7. Complaint is **disposed** of accordingly. Files be assigned to the record room.



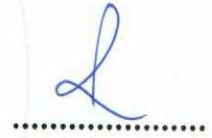
RAJAN GUPTA

[CHAIRMAN]



ANIL KUMAR PANWAR

[MEMBER]



DILBAG SINGH SIHAG

[MEMBER]

