



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

BEFORE THE ADJUDICATING OFFICER Complaint No. 636 of 2020

Madhu Nigam

....COMPLAINANT(S)

VERSUS

B.P.T.P Pvt. Ltd.

....RESPONDENT(S)

Date of Hearing: 04.03.2021

Hearing: 14th

Present:- Sh. Salik Shafique, Counsel for the complainant (through Video conferencing)

Mr. Himanshu Monga, Counsel for the respondent

ORDER:-

Complainant has purchased unit no. CL-02-08-FF having area 1478 sq ft in respondent's Project-Park-81, Parklands located in sector-81, Faridabad for a total sale consideration of ₹ 43,00,697/-. Builder buyer agreement was executed between the parties on 16.12.2010 and in terms of it possession was supposed to be delivered upto 16.12.2012 which respondent miserably failed to do even after receiving ₹ 34,48,083/-. It has been alleged that the respondent offered possession on 19.02.2020 i.e. after delay of 8 years without any

Salika Gupta

compensation for delay caused. Feeling aggrieved, present complaint has been filed by complainant seeking compensation of ₹ 25,86,062/- on the ground that respondent has failed in his duty to deliver possession in accordance with terms of agreement even after receiving ₹ 34,48,083/-.

2. Reply has been filed by the respondent. It has been submitted that the respondent-developer has completed the construction of the unit in question and thereafter offer of possession was sent to complainant vide letter dated 19.02.2020 but it is the complainant who has not come forward to accept possession of unit after making payment of balance amount. Further it has been mentioned that as per clause 5.5 of the builder buyer agreement, the respondent would become liable to pay compensation for the delay caused @ ₹ 5 per sq ft on the total super area of unit but subject to timely payments being made by complainant and who is a defaulter as he had not paid instalments timely.

3. The complainant has filed his calculations pertaining to delay compensation amounting to ₹ 25,86,062/- calculated at the rate prescribed in Rule 15 of HRERA Rules,2017 for the period 16.12.2012 to 08.07.2020. Ld. counsel for respondent has filed his counter calculations of delay compensation of ₹ 5,92,512/- calculated as per builder buyer agreement and also of ₹ 15,50,570/- calculated as per Rule 15 of HRERA Rules,2017. The complainant has accepted calculations of ₹ 15,50,570/- made by respondent for the period 16.06.2013 to 19.02.2020. Since both the parties agree upon calculations of ₹ 15,50,570/-, the

complaint is **disposed of** with a direction to respondent to pay 50% of said amount till 24.03.2021 and remaining 50% till 24.04.2021.

4.. File be consigned to record room.

Sarita Gupta
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Dr. Sarita Gupta
[Adjudicating Officer]

