



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### 1. COMPLAINT NO. 1911 OF 2019

Satish Kumar and Ashok Kumari

..... COMPLAINANTS

Versus

M/s Ansal Crown Infrabuild Pvt. Ltd.

..... RESPONDENT

**CORAM:** Rajan Gupta  
Anil Kumar Panwar  
Dilbag Singh Sihag

Chairman  
Member  
Member

**Date of Hearing:** 10.03.2021

**Hearing:** 12<sup>th</sup>

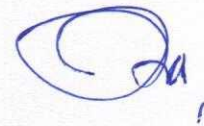
**Present:** - Sh. Shubhnit Hans, Ld. counsel for the complainant  
Sh. Aditiya Jain, Ld. counsel for the respondent

**ORDER (ANIL KUMAR PANWAR- MEMBER)**

1. The Authority in the course of hearing held on 16.12.2020 has observed that buyer's agreement in this case was executed on 25.06.2011 and the respondent despite having received full price of the flat has failed to deliver possession to the complainants. So, the Authority on considering more than nine years' delay which had already occurred in respect of delivery of possession, has directed the respondent to pay the complainants upfront delay interest, which on calculations made by the accounts branch of the Authority was worked out at Rs. 32,22,267/-, till 31.12.2020 per principles laid down in complaint no. 113 of 2018 titled as Madhu Sareen Versus M/s BPTP Ltd.

2. The respondent was directed to pay the said amount of interest before 04.02.2021 which he has not paid till date. Taking cognizance of non-compliance of the directions issued to the respondent, the Authority in the course of hearing held on 17.02.2021 has proposed to issue a show cause notice to the respondent as to why a penalty of Rs. 5000/- per day not be imposed upon him under Section 63 of the RERA Act, 2016.


3. Learned counsel for the respondent has today contended that an appeal against the directions issued by this Authority has been filed before the Hon'ble Appellate Tribunal and therefore, the case may be adjourned to await the outcome of the said appeal.





4. The Authority on a query put to the respondent's learned counsel is apprized that the appeal has been filed without complying with the provisions of Section 43(5) of the RERA Act, and therefore, adjournment on the ground that the appeal is pending before the Hon'ble Appellate Tribunal is not warranted. The Authority has already concluded that the respondent is liable to pay the complainant upfront interest of Rs. 32,22,267/- as calculated till 31.12.2020 and since the completion of the project, per respondent, will be accomplished by April, 2021, the Authority has decided to dispose of this complaint with a direction that the respondent shall pay the aforesaid amount of interest as also the future interest accrued after 31.12.2020 on monthly basis till handing over of the possession. The Authority will consider the desirability of taking appropriate action against the respondent for non-compliance of the orders of this Authority as and when an execution petition is filed.

Case is disposed of in above terms. File be consigned to the record room after uploading of this order on the web site of the Authority.



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RAJAN GUPTA  
[CHAIRMAN]



.....  
ANIL KUMAR PANWAR  
[MEMBER]



.....  
DILBAG SINGH SIHAG  
[MEMBER]