



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

## COMPLAINT NO. 853 OF 2019

Bhupesh Mittal

....COMPLAINANT

VERSUS

Pivotal Infrastructure Pvt. Ltd.

....RESPONDENT

**CORAM:**

**Rajan Gupta  
Dilbag Singh Sihag**

**Chairman  
Member**

**Date of Hearing: 02.02.2021**

**Hearing: 13<sup>th</sup>**

**Present through video conference: - Mr. Piyush Bansal,  
Representative for the complainant**

**Mr. Rohan Gupta,  
Counsel for the respondent**

### **ORDER: (RAJAN GUPTA-CHAIRMAN)**

1. The present complaint has been filed for execution of the order dated 14.11.2018 passed by this Authority in favour of complainant in

complaint no. 590 of 0218 titled as Bhupesh Mittal versus Pivotal Infrastructure Pvt Ltd. In the said order, the respondent was directed to recalculate the demand of ₹6,92,753/- and revise the offer of possession and compensate the complainant for period of delay of two years in delivery of possession of the flat.

2. The respondent has supplied revised statement of accounts and the same was discussed in detail vide order dated 22.09.2020. Some of the charges shown in the statement were acceptable to the complainant. The respondent was directed recalculate the disputed demands as discussed in the said order. In compliance, the respondent has filed revised statement of account on 31.12.2020. Today, the complainant has again disputed holding charges and pending interest on delayed payments levied by the respondent. The Authority has discussed these issues in detail and orders as follows:

- i. First issue is regarding an amount of ₹1,11,762/- being charged by the respondent as pending interest on delayed payment instalments. The respondent has calculated the said amount at the rate 10.65%. Such rate has been accepted by the complainant through email dated 04.08.2020. The complainant has disputed that respondent cannot charge interest on last instalment because the same was to be paid at the time of offer of possession. Since possession was made in



April 2018 accompanied by certain unjustified demands therefore, he did not take possession. The complainant submitted that the interest payable by him is ₹37,823/- till January 2018. Now, only the last instalment of ₹1,25,777/- is due which is payable at the time of offer of possession. The Authority observes that the respondent cannot charge interest on last instalment as the same has to be paid at the time of offer of possession. For these reasons, the said demand of ₹1,11,762/- towards interest on account of delayed payments is hereby quashed. Only an amount of ₹37,823/- is payable by the complainant as pending interest on the delayed payments.

ii. Second issue is regarding holding charges. The respondent is demanding ₹4,00,950/- towards holding charges since April 2018 when the possession was offered to the complainant. As already observed the complainant had not taken the possession on account of certain deficiencies and unjustified demands. For this reason, the demand of the holding charges is also not justified and is hereby quashed.

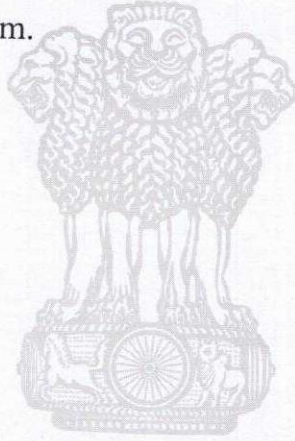
3. The respondent has also shown an amount of ₹6,01,351/- as delayed possession compensation which was acceptable to the complainant vide order dated 22.09.2020. Now, the total amount payable by the



complainant works out to ₹4,26,901/- as shown by the respondent in his statement dated 31.12.2020.

In view of above facts, after adjustments, the total amount payable by the respondent to the complainant works out to ₹1,74,450/-. So, the respondent is directed to hand over possession to the complainant within 45 days from the date of uploading of this order on the website of the Authority and pay outstanding amount of ₹1,74,450/- to the complainant.

4. Accordingly, the present complaint is **disposed of**. File be consigned to record room.



सत्यमेव जयते

RAJAN GUPTA  
[CHAIRMAN]

DILBAG SINGH SIHAG  
[MEMBER]