



Complaint no. 83 of 2020

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 83 OF 2020

Madan Lal Mutneja

....COMPLAINANT(S)

VERSUS

M/s Omaxe Pvt. Ltd.

....RESPONDENT(S)

CORAM: Rajan Gupta
Dilbag Singh Sihag

**Chairman
Member**

Date of Hearing: 28.04.2021

Hearing: 6th

Present through: Mr. Kailash Kumar Ahuja, Learned counsel for
Video conferencing complainant
Mr. Munish Gupta, Learned counsel for respondent.

ORDER (RAJAN GUPTA-CHAIRMAN)

1. On the last date of hearing, both parties had sought adjournment as they were attempting to amicably settle the matter. However, today counsel for the respondent submits that settlement could not be arrived at.
2. Factual position in present complaint is that complainant purchased endorsement rights of a villa in the project of the respondent company on

29.06.2006. Complainant has paid Rs. 29,18,520/- against total sale consideration of Rs 29,15,140/- . The deemed date of delivery of possession of the said unit was January 2009 but after a delay of twelve years complainant was offered possession of the apartment on 19.03.2021.

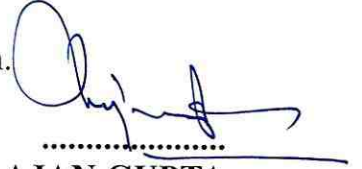
3. Learned counsel for the respondent submitted that the completion certificate for the project was obtained on 04.03.2017 and accordingly the complainant was offered possession on 17.05.2017. At that time in 2017 an amount of Rs. 5,23,274/- was outstanding and due to be paid by the complainant but the complainant did not come forward, to pay the balance amount and take possession and on account of further delay in making payment delay interest was further added on. In April 2019, after a gap of two years complainant made a payment of Rs 4,93,000/- out of the demand. Respondent further submits that project is complete and possession can be handed over on payment of due amount.

4. Prima facie Authority observes that the offer of possession in 2017 is a good offer as completion certificate was obtained and no unreasonable demands were raised by the respondent. Equity demands that the complainant should have come forward and taken possession on payment of balance dues. However, since a delay of more than 8 years has been caused in delivery of possession, complainant is entitled to delay interest applicable for the period January 2009 to 2017 as per the principles laid down by this Authority in complaint no. 118 of 2018- Madhu Sareen Vs B.P.T.P Ltd. The Authority considers it just and fair

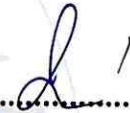


that rights and liabilities of both parties are settled as in 2017 . Authority directs respondent to handover possession immediately alongwith fresh offer of possession and fresh statement of accounts within 30 days from uploading of this order. Further, the delay compensation payable to the complainant should be adjusted from the balance amount payable on part of the complainant to respondent.

5. Case is disposed of. Files be consigned to the record room.



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RAJAN GUPTA
[CHAIRMAN]



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DILBAG SINGH SIHAG
[MEMBER]

