



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### COMPLAINT NO. 346 OF 2021

Raj Kumar Kadian &Ors.

....COMPLAINANT(S)

VERSUS

M/s Ruhil Promoter Pvt. Ltd.

....RESPONDENT(S)

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

**Chairman**  
**Member**  
**Member**

**Date of Hearing:**02.09.2021

**Hearing:** 2<sup>nd</sup>

**Present through video call:** - None for the complainant

Adv. Kamal Dhaiya, Learned counsel for the  
respondent

### **ORDER (DILBAG SINGH SIHAG- MEMBER)**

1. Complainant in this case has sought possession of a residential unit bearing no. F-204, second floor, allotted by the respondent in his project namely, 'Ruhil Residency, Bahadurgarh'. He has already paid ₹ 31,02,989/-

against basic sale price of ₹ 36,48,500/-. As per allotment letter dated 06.11.2012, respondent was to deliver possession of the unit within 36 months along with grace period of six months from date of approval of building plan i.e. 25.09.2012, which comes to 24.03.2016. Despite lapse of more than five years from the deemed date of possession, respondent has not given possession to the complainant. He further stated that more than nine years have gone from the date of agreement but project is still incomplete. Therefore, complainant has prayed for possession of the unit along with delay interest as per Rule 15 of HRERA, Rules 2017 .

2. On the other hand, learned counsel for the respondent raised his objection in this regard submitting that project has already been registered with this Authority vide Registration No. 139 of 2017, dated 28.08.2019. In their application of registration, it has been declared by the respondents that Phase-I of the project i.e. Towers A, B, C, D, EWS, Commercial Shops would be completed by June 2019, whereas Phase-II of the project covering Towers - E, F, G, H, I, J, Low rise part of the project and Primary school would be completed by December 2019. Further respondent counsel pleaded that apartment of the complainant has been completed in all respects but waiting for Occupation Certificate for which his application was pending with DTCP. At this stage, awarding upfront payment will adversely increase the financial hardship of the promoter. Therefore, Authority is requested not to allow upfront payment of interest for delay. He also stated that



Occupation Certificate for the entire project was applied on 11.06.2021 and same was pending with the concerned Department. They hope that same will be granted anytime. He also prayed that he cannot handover the possession of the unit to the complainant, as such offer without Occupation Certificate will not be a legal offer.

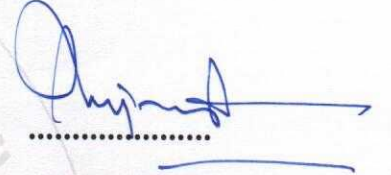
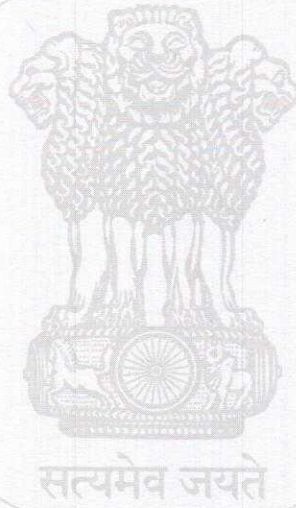
3. After hearing both the parties and going through the documents placed on record, Authority observes that complainant has sought relief of possession of allotted unit along with payment of interest on account of delay by the respondent to deliver possession of booked unit on the agreed date. Complainant is not interested in withdrawing from the project, despite delay on the part of the respondent in completing the project, therefore the only relief which at present can be awarded to him is to direct the promoter to pay upfront interest for delay along with payment of every monthly delay interest till the handing over of possession as provided in Section 18 of RERA Act, 2016.

So, Authority decides that complainant is entitled to be paid upfront interest on the already paid amount from the deemed date of possession i.e. 24.03.2016 till today i.e. 02.09.2021. Account branch of this Authority calculated the interest as per Rule 15 of HRERA, Rules 2017, to the tune of ₹ 15,71,762/- as payable to the complainant from deemed date of possession i.e. 24.03.2016 till 02.09.2021. Besides said amount of interest, complainant is also entitled to receive each month's interest on the paid

amount of ₹ 31,02,989/- from 03.09.2021 onwards till the delivery of actual possession after obtaining Occupation Certificate. Such interest works out to ₹24,048/- per month as calculated by the accounts branch of this Authority.

Respondent is further directed that fifty percent of the total sum payable to the complainant shall be paid within 45 days from the date of uploading of this order and the remaining fifty percent in next 45 days.

4. **Disposed of.** File be consigned to record room and order be uploaded on the website of the Authority.



RAJAN GUPTA  
[CHAIRMAN]



ANIL KUMAR PANWAR  
[MEMBER]



DILBAG SINGH SIHAG  
[MEMBER]