



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 190 OF 2021

Raj Rani

....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: 3rd

Present through video call: - Sh. Rupali Verma, learned counsel for the complainant

Adv. Rakhi, learned counsel for the respondent

ORDER (DILBAG SINGH SIHAG- MEMBER)

1. Complainant in this case is seeking possession of an apartment bearing no. D-001, ground floor, allotted in the year 2013 in respondent project namely, 'Ruhil Residency, Bahadurgarh'. He has already paid ₹ 42,54,142/-

2'

against basic sale price of ₹46,90,800/-. As per agreement dated 29.11.2013 respondent had committed to deliver possession of the unit within 36 months along with grace period of six months from the date of agreement, which comes to 29.05.2017. Despite lapse of four years from the deemed date of possession, respondent has not given possession of allotted apartment to the complainant. He further stated that more than eight years have gone from date of the agreement and project is still incomplete. Therefore, complainant prayed for possession of the apartment along with payment of delay interest.

2. 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 is complete now in all respects, therefore, at this stage awarding upfront payment will not only adversely increase financial hardship of the promoter but also adversely affecting the overall interest of the allottees. Therefore, Authority is requested not to allow the upfront payment of delay interest to the complainant. He also stated that Occupation Certificate for the



entire project was applied on 11.06.2021 and same is pending with the concerned Department. They hope that same will be granted anytime. Therefore, it is not advisable to handover possession of the apartment to the complainant without Occupation Certificate.

3. After hearing both the parties and going through the documents placed on record, Authority observes that complainant herein has sought relief of possession of allotted apartment along with payment of interest on delay in delivering of possession on the agreed date. Moreover, 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 interest for delay period till the handing over of possession as provided in Section 18 of RERA Act, 2016.

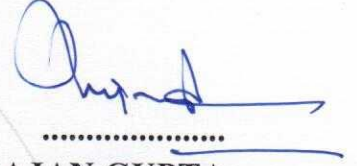
So, Authority decides that the complainant is entitled to be paid interest on the already paid amount from the deemed date of possession i.e. 29.05.2017 till the date of offer of possession with Occupation Certificate by the promoter. Account branch of this Authority has calculated interest as per Rule 15 of HRERA, Rules 2017, to the tune of ₹ 16,87,682/- as interest payable to the complainant from deemed date of possession i.e. 29.05.2017 till 02.09.2021. Besides, the said amount of interest, complainant is also entitled to receive each month's interest on the paid amount of ₹42,54,142/-



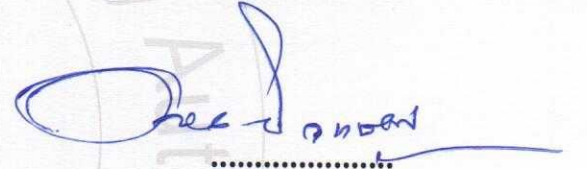
from 03.09.2021 onwards till the delivery of actual possession after obtaining Occupation Certificate. Such interest works out to ₹ 32,970/- per month as calculated by the accounts branch of this Authority.

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.

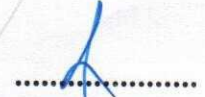
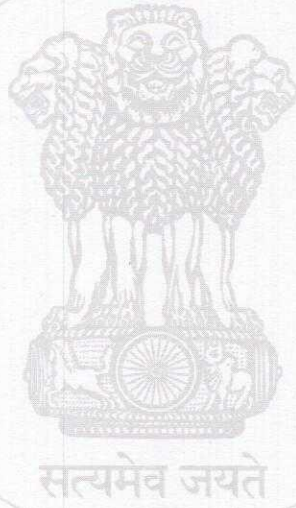
4. **Disposed of.** File be consigned to record room and order be uploaded on the website of the Authority.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]