



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO.1501 OF 2019

Rajesh Kumar Kundu

....COMPLAINANT(S)

VERSUS

M/sRuhil Promoter Pvt. Ltd.

....RESPONDENT(S)

CORAM: Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag

Chairman
Member
Member

Date of Hearing: 03.08.2021

Hearing: 9th

Present through video call: - Sh. Sudeep Singh, Learned counsel for the
Complainant with Complainant in person

Adv. Kamal Dhaiya, Learned counsel for the
Respondent

ORDER (RAJAN GUPTA-CHAIRMAN)

1. Complainant in this case is seeking possession of a flat bearing no. H1002, Block H-2, booked in the year 2012 in respondent's project named 'Ruhil Residency, Bahadurgarh'. He has already paid ₹ 27,23,736/- against basic sale price of ₹30,22,500/-. The respondent in terms of an agreement executed on 08.03.2013 between the parties, had committed to deliver possession of the booked flat within 42 months which even includes grace period of six months, from the date of agreement which period had already lapsed on 08.09.2016 but respondent has not given possession till date. Therefore, the complainant has filed the present complaint for possession of the flat along with delay interest till a valid offer of possession is made after obtaining Occupation Certificate.

2. The respondent's stand is that the project per registration granted by the Authority vide Registration No. 139 of 2017, dated 28.08.2019 was required to be completed in respect of Phase-I comprising of Towers A, B, C, D, EWS and commercial shops by June 2019 and Phase-II comprising of Towers - E, F, G, H, I by December 2019. The flat of the complainant has been completed in all respects and Occupation Certificate for the entire project was applied on 11.06.2021. So, the respondent shall be allowed time to offer possession and pay delay interest till the grant of Occupation Certificate.



3. After hearing both the parties and going through the documents placed on record, Authority observes complainant has sought relief of possession of allotted flat along with interest on account of delay by the respondent to deliver possession on the agreed date. The 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 along with payment of every monthly delay interest till the handing over of possession as provided in Section 18 of RERA Act, 2016.

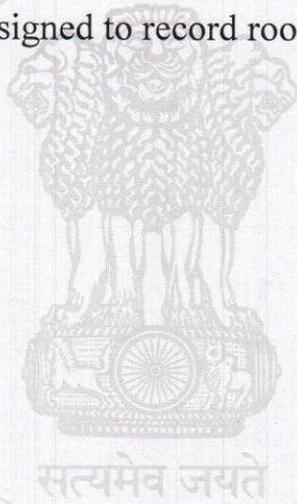
So, Authority decides that complainant is entitled to be paid interest on the already paid amount of ₹ 27,23,736/- from deemed date of possession till actual handing over of the possession. As per documents annexed with the complaint book, complainant has paid an amount of ₹ 25,46,005/- before 08.09.2016(deemed date of possession) and ₹ 1,77,731/- was paid by him to the respondent on 16.01.2017(after the deemed date of possession). The receipt of each payment is annexed as annexure P3 (Page nos. 44-53) of the complaint book. So, complainant will be entitled to interest on ₹ 25,46,005/- from deemed date of possession i.e. 08.09.2016 and on ₹ 1,77,731/- from 16.01.2017. Accordingly, Account branch of the Authority calculated the interest as per Rule 15 of HRERA, Rules 2017 i.e @ 9.30 (SBI highest marginal cost of landing rate plus 2 %). Said amount worked out



to ₹ 11,61,187/- and ₹ 75,173/- respectively, totalling to an amount of ₹ 12,36,360/-.

4. Now, interest payable to the complainant on account of delay in delivery of possession till 03.08.2021 works out to ₹ 12,36,360/-. Besides the said amount of interest, the complainant is also entitled to receive each month's interest on the paid amount of ₹27,23,736/- from 03.08.2021 onwards till the delivery of actual possession after obtaining Occupation Certificate. Such interest works out to ₹ 21,109/- per month as calculated by the accounts branch of this Authority.

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



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RAJAN GUPTA
[CHAIRMAN]

.....
ANIL KUMAR PANWAR
[MEMBER]

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DILBAG SINGH SIHAG
[MEMBER]