



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### COMPLAINT NO. 209 of 2021

Rakesh Kumar

....COMPLAINANT(S)

VERSUS

M/s M G Housing Pvt Ltd

....RESPONDENT(S)

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

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

**Date of Hearing:** 15.09.2021

**Hearing-3<sup>rd</sup>**

**Present:** - Sh. Rakesh Kumar, Complainant in person

Sh. Gunjan Rishi, Counsel for the respondent through VC

### **ORDER (ANIL KUMAR PANWAR-MEMBER)**

Complainant in this case has sought possession of a plot bearing no. B-101 allotted in the year 2015 in respondent's project named 'Anandam Estate' being developed in Sector-19 & 24, Dharuhera, District Rewari. He has already paid Rs 32,40,000/- against basic sale price of Rs 40,20,000/-. As per agreement entered between the parties on 05.06.2015, respondent had committed to deliver possession latest by 30.03.2019. More than six years have passed from date of agreement but possession has not been offered by respondent and project is still

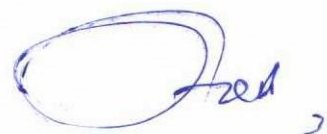
incomplete. Therefore, complainant has prayed for possession of the plot and award of delay interest till a valid offer of possession is made after obtaining part-completion/completion certificate from the concerned department.

2. Learned counsel for the respondent does not dispute that project is not complete and his explanation is that the construction got delayed because construction of the project was stopped several times during the years 2016 to 2019 on account of orders of EPCS, HSPCB, NGT and Hon'ble Apex Court.

3. After hearing the parties and going through the documents placed on record, Authority observes that relief for possession is not possible because the respondent has not completed the development work and more time is required for obtaining the completion certificate. The only relief which at present can therefore be awarded to the complainant is to direct the promoter to pay upfront delay interest from the deemed date of possession to the date of this order and to pay future monthly delay interest thereafter till the handing over of possession as provided in Section 18 of RERA Act, 2016.

4. So, Authority decides that complainant is entitled for payment of upfront interest on the already paid amount from the deemed date of possession i.e. 30.03.2019 till today i.e. 15.09.2021 (date of order) in terms of Rule 15 of HRERA Rules, 2017 i.e. SBI MCLR+2% which as on date is 9.30%.

5. The complainant per receipts has paid total amount of Rs 32,40,000/- which includes even the amount of Rs 6,00,000/- for EDC/IDC. The amount of Rs 6,00,000/- collected under aforementioned head was payable to the





government departments and if the respondent had not passed on the same to the concerned departments, he will be liable to pay delay interest only to the departments entitled to receive the amounts. How can the complainant in such situation legitimately claim delay interest on the amount of Rs. 6,00,000/- collected by the respondent for payment to the government departments. So, no delay interest on amount of Rs. 6,00,000/- is payable to the complainant. Delay interest payable to the complainant, in other words, deserves to be calculated only on the balance amount of Rs.26,40,000 /- (32,40,000-6,00,000).

8. The Authority got the delay interest calculated from its Account branch on Rs 26,40,000/- in terms of rule 15 of HRERA Rules,2017 i.e. SBI MCLR+2% (9.30%) for the period ranging from deemed date of possession (30.03.2019) till date of order (15.09.2021) in terms of Rule 15 of HRERA Rules, 2017 i.e. SBI MCLR+2% (9.30%). Such interest works out to Rs 6,05,392/- and it is held payable by the respondent to the complainant. For further delay occurring after the date of this order, the respondent is liable to pay monthly interest of Rs 20,460/- to complainant commencing from 15.10.2021.

6. Accordingly, the respondent is directed to pay Rs 6,05,392/- on account of delay interest in two equal instalments. Fifty percent of the said amount shall be paid within 45 days from the date of uploading of this order and the remaining fifty percent in next 45 days. The respondent shall thereafter discharge his liability of paying interest of Rs 20,460/- for each month's delay in terms of this



order till the date on which valid offer of possession is made to complainants after obtaining completion/part completion certificate.

10. **Disposed of** in above terms. File be consigned to record room.



.....  
**RAJAN GUPTA**  
**[CHAIRMAN]**



.....  
**ANIL KUMAR PANWAR**  
**[MEMBER]**



.....  
**DILBAG SINGH SIHAG**  
**[MEMBER]**