



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 68 OF 2020

Arvind Kumar Hasija

...COMPLAINANT

VERSUS

SRS Real Estate Ltd

...RESPONDENT

CORAM:

Rajan Gupta
Anil Kumar Panwar
Dilbah Singh Sihag

Chairman
Member
Member

Date of Hearing: 15.09.2021

Hearing: 7th

Present: - Mr. Arvind Kumar Hasija, Complainant through VC
None for the respondent

ORDER (ANIL KUMAR PANWAR-MEMBER)

1. Complainant was allotted a flat bearing No. C2/P/PH/87/PO2 in respondent's project named "SRS Pearl Heights" situated in Sector-87,

Faridabad and a Builder Buyer Agreement (BBA) was executed between the parties on 25.09.2012. The respondent was obliged to deliver the possession latest by 25.03.2017 in terms of BBA but the complainant, who had already paid ₹46,71,685/- has not received possession of the flat till date. It has been averred that the respondent had arbitrarily enhanced the sale consideration of the flat from ₹45,92,505 to ₹48,82,939/- on the pretext of increase in area of the flat. Averring further that the project has not yet been completed, the complainant through the present complaint is seeking relief for possession of flat 'as on where basis' along with award of interest on account of delay in delivery of possession.

2. Notice of the complaint was served upon the Director of the respondent company through Superintendent of Neemka Jail, Faridabad, where the said Director was confined in some criminal case. However, none had appeared to context the present complaint.

3. In the aforesaid circumstances, the Authority in the course of previous hearing had ordered that possession to the complainant be delivered as on where basis through District Magistrate and District Town Planner, Faridabad.

4. Today, the complainant has apprised the Authority that he had already obtained possession of his flat. According to him, there are several deficiencies in the flat which need to be rectified. He has submitted a report

prepared by Chartered Accountant revealing that an expenditure of ₹4,98,850/- is likely to be incurred for rectifying the deficiencies.

5. In view of above circumstances and report of Chartered Accountant, the Authority allows the complainant to rectify the deficiencies at his own level and will maintain a proper record of the entire expenditure incurred thereon. The amount of expenditure actually incurred on rectifying the deficiencies will be liable to be adjusted against the outstanding dues recoverable from the complainant. The respondent will be liable to pay interest to the complainant on account of delay in delivery of possession from the deemed date of possession i.e. 25.03.2017 to the date on which the complainant had taken over the possession i.e. 26.03.2021 at the rate prescribed in Rule 15 of HRERA Rules, 2017.

6. The amount of delay interest payable to the complainant for the above referred period was got calculated by the Accounts Branch of this Authority on the basis of details of payments disclosed by the complainant. Said amount has been worked out of ₹17,40,248/- and the same will also be adjusted towards the outstanding dues payable by the complainant.

7. The complainant will be liable to pay the balance dues in terms of BBA as and when the statement of all payable and receivable amounts is served upon him by the respondent company. It is made clear that the respondent company will be entitled to charge interest @ prescribed under Rule-15 of



HRERA Rules, 2017 on the amount which the complainant had not paid on time as per payments schedule attached to the BBA.

8. The complainant will be at liberty to file a fresh complaint for challenging any amount which according to him is not payable to the respondent per terms of BBA. The Authority will adjudicate upon the propriety and legality of such impugned demand at the appropriate stage.

9. Complaint is **disposed of** in the above terms. File be consigned to the record room after uploading of the order on the web site of the Authority.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]