



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 687 OF 2021

Gaurav Singh Dhaked

....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: 3rd

Present: - Sh. Abhisar Bhanu, Counsel for the complainant through video conferencing.
Sh. Gunjan Rishi, Counsel for the respondent through video conferencing

ORDER (RAJAN GUPTA - CHAIRMAN)

1. Complainant in this case has sought possession of a plot bearing no. G-184 measuring 72 Sq. Yds., allotted in the year 2017 in respondent project namely, "Anandam Awas" situated in Sector-19, Dharuhera, District Rewari. He has already paid ₹ 14,90,400/- against basic sale price of ₹ 16,77,600/- inclusive of taxes such as GST, labour Cess etc. Said total price

included applicable EDC/IDC. As per agreement dated 09.02.2018 respondent had committed to deliver possession of the unit by 31.12.2018. Possession was however offered to the complainant on 11.11.2020 after receipt of Occupation Certificate on 10.11.2020. The complainant did not accept the offer because instead of adjusting the amount of interest payable to him for the delay in offering of possession respondent further raised a demand of Rs. 2,05,490/-. Complainant is also aggrieved by demand of Rs. 44,000/- raised by respondent on pretext of delay in payment of instalments, at 15% rate of interest. He has also challenged levy of Rs. 15,000/- on account of Legal and Administration Charges. Therefore, complainant has prayed for possession of the plot along with delay interest from the due date till offer of possession with Part-completion/ Completion Certificate and waiver of demand of Rs. 44,000/- towards delay in payment of instalments and Rs. 15,000/- on account of Legal and Administration Charges.

2. On the other hand, learned counsel for the respondent stated that they have obtained completion certificate from the Town & Country Planning Department, Haryana on 10.11.2020 following which an offer of possession was made to the complainant on the next day i.e. 11.11.2020 but the complainant did not come forward to take possession of the allotted plot. In his reply respondent has stated in para 10 and 13 that respondent has waived the interest payable by the complainant on account of delay in payment of instalments and is now only seeking Rs. 2,05,940/- from the



complainant. Further, respondent placed on record statement of accounts dated 11.11.2020 which reflects that respondent has not charged any interest from complainant on account of delay in payment of instalments.

In para 10 of the reply respondent has further stated that although as per clause 8 (3) complainant is liable to pay Rs. 100 per sq. mts. per month as holding charges till takeover of physical possession of plot but, same also has not been charged by the respondent.

3. Further, respondent requested that the cost of Rs.10,000/- imposed upon them on the last date of hearing be waived as they had submitted their reply in the registry of the Authority on the same day. In view of the fact that reply was filed by respondent on the first date of hearing i.e. 05.08.2021, request of Ld. counsel for the respondent for waiving of cost is accepted.

4. After hearing both the parties and going through the documents placed on record, Authority observes that complainant has sought relief of possession of allotted plot along with interest on account of delay by the respondent to deliver possession on the agreed date. Since respondent has obtained the completion certificate from the Town & Country Planning Department, Haryana on 10.11.2020 following which an offer of possession was made to the complainant on the next day i.e. 11.11.2020, therefore, complainant is entitled to get interest on account of delay in delivery of possession on the already paid amount from the deemed date of possession



i.e., 31.12.2018 till the date of the possession after obtaining completion certificate i.e. 11.11.2020. Therefore, respondent promoter is directed to pay interest for delay as provided in Rule 15 of HRERA Rules, 2017. Accounts branch of this Authority has calculated the interest as per Rule 15 of HRERA, Rules 2017, to the tune of ₹ 2,58,210/- payable to the complainant from deemed date of possession i.e., 31.12.2018 till valid offer for possession after receipt of Occupation Certificate i.e. 11.11.2020.

5. The respondent has informed that Legal and Administration charges amounting to Rs. 15,000/- have been charged on account of the fee payable to the advocate for discharging various legal formalities etc. In view of the statement made by the complainant that he does not wish to engage any advocate to carry out legal formalities, the Authority hereby, quashes the demand made by the respondents towards "Legal and Administration charges" amounting to Rs. 15,000/-. Further, in respect of amount of Rs 44,000/- charged as interest on delayed payments, the respondent's counsel has informed that said amount has already been waived by the respondent which is evident from the statement of accounts dated 11.11.2020. So, no case is made out on this point.


6. In view of aforementioned discussion, the Authority is of view that the dispute/issues alleged by the complainant stands settled and delay interest of Rs 2,58,210/- is awarded to the complainant on account of delay



caused in delivery of possession of booked unit. Respondent is directed to issue statement of accounts of receivables and payables in terms of abovesaid directions within 45 days of uploading of this order and complainant is directed to take possession of unit within 30 days of receipt of statement of accounts.

7. **Disposed of** in above terms. File be consigned to record room and order be uploaded on the website of the Authority.


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RAJAN GUPTA
[CHAIRMAN]


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ANIL KUMAR PANWAR
[MEMBER]


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DILBAG SINGH SIHAG
[MEMBER]