



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### COMPLAINT NO. 3012 OF 2019

Savita

.....Complainant

Versus

Shree Vardhman Township Pvt. Ltd.

.....Respondent

**CORAM: Rajan Gupta  
Dilbag Singh Sihag**

**Chairman  
Member**

**Date of Hearing:** 03.02.2022

**Hearing:** 10<sup>th</sup>

**Present:** Mr. Kamal Dahiya, Ld. counsel for the complainant through VC.

Mr. Dharmveer Singh, Ld. counsel for the respondent through VC.

### **ORDER (DILBAG SINGH SIHAG – MEMBER)**

1. Complainant in this case has sought possession of a plot bearing no. D-001 measuring 400 sq. yards which was allotted in the year 2015 in respondent's project namely, 'Shree Vardhman City, Kurukshetra'. He has already paid ₹49,63,602/- against basic sale price of ₹40,00,000/-. As per agreement dated 16.04.2015, respondent had committed to deliver possession of the plot within 36 months from the date of execution of agreement, which comes to 16.04.2018. Despite a lapse of almost four years from deemed date of possession, respondent has not given possession of the



plot to the complainant. He further pleaded that more than six years have lapsed from date of agreement and respondent has not completed the project till date. Therefore, complainant has prayed for possession of the plot along with delay interest from deemed date of possession till offer of possession after completing the project.

2. On the other hand, learned counsel for the respondent submitted that delay in offering possession to the complainant had occurred due to delay in obtaining necessary approvals from various Government Authorities. Firstly, there was delay on behalf of Town and Country Planning Department in issuing corrected zoning plan in accordance with the approved demarcation plan. Said corrected zoning plan was finally issued on 05.02.2016. Secondly, there was delay on part of Town and Country Planning Department in renewal of License No. 15 of 2012 which had expired before getting the corrected zoning plan. License of the respondent was renewed in September 2018 after a lapse of more than two years. Thirdly, there was delay in obtaining RERA registration which could not be granted till renewal of license by Town and Country Planning Department. Project of the respondent was finally registered in September 2019.

He further submitted that despite of delay caused in development of the project due to above reasons, respondent had completed a substantial portion of the project including completion of sewer line work, drinking water line work, underground water tank work, 24m block dividing road and





12m internal road work. He further submitted that project of the respondent is at advanced stage of completion and possession of the plot will be handed over to the complainant within a few months.

3. After hearing both the parties and going through the documents placed on record, Authority observes that complainant has sought relief of possession of the plot along with delay interest for delay caused in handing over the possession. Complainant is not interested in withdrawing from the project, despite delay on the part of the respondent in completing the project. Thus, respondent is directed to deliver possession of the plot to the complainant as and when project gets completed. Further, the complainant is directed to clear her outstanding dues before taking possession of the plot.

Authority is of the view that the only relief which at present can be awarded to the complainant is to direct the promoter to pay upfront interest for the delay caused till date of this order along with payment of monthly delay interest for each month's delay from 04.02.2022 till the handing over of possession as provided in Section 18 of RERA Act, 2016.

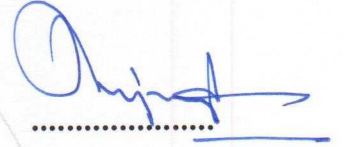
Now, upfront interest payable to the complainant on account of delay in delivery of possession from deemed date of possession i.e. 16.04.2018 till 03.02.2022 works out to Rs. 17,56,666/- as calculated by the accounts branch of this Authority in accordance with Rule 15 of HRERA, Rules 2017. Besides said amount of interest, complainant is also entitled to receive each month's interest on the paid amount of ₹49,63,602/- from



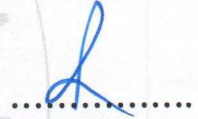
04.02.2022 till delivery of actual possession of the plot. Such interest works out to Rs. 38,468/- per month as calculated by the accounts branch of this Authority.

Respondent is further directed that fifty percent of the total sum payable to the complainant shall be paid within 45 days from date of uploading of this order and the remaining fifty percent in next 45 days.

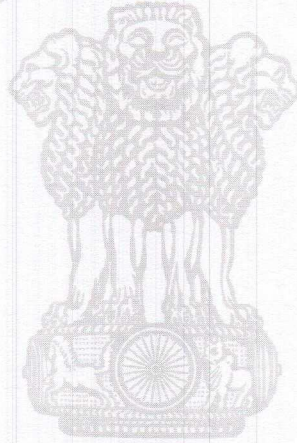
**Disposed of.** File be consigned to record room and orders be uploaded on the website of the Authority.



RAJAN GUPTA  
[CHAIRMAN]



DILBAG SINGH SIHAG  
[MEMBER]



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