



Complaint No. 996 of 2021

## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: [www.haryanarera.gov.in](http://www.haryanarera.gov.in)

### COMPLAINT NO. 996 OF 2021

Sukhbir Singh

....COMPLAINANT(S)

VERSUS

TDI Infrastructure Limited.

....RESPONDENT(S)

**CORAM: Rajan Gupta**

**Chairman**

**Dilbag Singh Sihag**

**Member**

**Date of Hearing: 03.02.2022**

**Hearing: 2<sup>nd</sup>**

**Present: -** Mr. Vikrant Dabas, son of the complainant.

Mr. Shobit Phutela, Ld. counsel for the respondent through VC.



**ORDER** ( RAJAN GUPTA-CHAIRMAN)

1. Authority had disposed of Complaint No. 1801 of 2019 titled Sukhbir Singh vs TDI Infrastructure Ltd. vide order dated 25.03.2021. Authority vide an earlier order dated 17.02.2021 had granted relief that delay interest payable to the complainant will be adjusted by the respondent at the time of offering possession.

2. Complainant/applicant has filed present application for review of order dated 25.03.2021 and 17.02.2021 passed in Complaint no. 1801 of 2019. Complainant vide aforesaid review application has alleged that interest on account of delay calculated by the office of Authority i.e. Rs. 16,17,465/- is wrong. As per his calculation it should be Rs. 16,21,527/-.

Another grievance of the complainant is that Authority on 17.02.2021 had also announced grant of relief of upfront payment of interest to complainant on account of delay caused in delivery of possession of the unit along with monthly interest till valid delivery of possession of the unit along with Occupation Certificate, but inadvertently same was not recorded in the order.

3. Grievance of complainant/applicant that interest calculated by office of Authority on account of delay calculated i.e. Rs. 16,17,465 /- is wrong and that it should be Rs. 16,21,527/- as calculated by complainant, pertains to arithmetical calculation. Said calculations of Rs. 16,17,465/- were got rechecked from Accounts department (HRERA) and same are found to be correct.



Therefore, interest payable to the complainant/ applicant on account of delay in delivery of possession of unit to him is Rs. 16,17,465/- . No modification of the same is required.

4. The Complaint No. 1801 of 2019 was heard at length on 17.02.2021 and relief of delay interest payable to the complainant at the time of offering possession was granted by Bench comprising Hon'ble members Sh. Anil Kumar Panwar and Sh. Dilbag Singh Sihag on 17.02.2021. Grievance of the complainant is that while relief of payment of interest on account of delay in delivery of possession of unit was allowed but relief of upfront payment of interest on account of delay in delivery of possession along with monthly interest till receipt of possession along with Occupation Certificate was inadvertently not incorporated in the aforesaid order even though it was announced in the Court by learned Division Bench.

Sh. Dilbag Singh Sihag, Hon'ble Member, who was part of the Division Bench on 17.02.2021 confirms that such a pronouncement was made but inadvertently was not recorded in the order.

5. Now, the Authority after consideration decides to rectify its order dated 17.02.2021. Complainant is allowed relief of upfront payment of interest on account of delay caused in delivery of possession along with monthly interest till receipt of possession along with Occupation Certificate. Order dated 25.03.2021 also stands modified to that extent. Thus, as per provisions of section



18 of The RERA Act, 2016, the accrued interest up to the date of passing of order dated 25.03.2021 i.e. Rs. 16,17,465/- shall be paid upfront within 90 days and thereafter monthly interest @ Rs. 29,551/- will be paid to complainant by the respondent till the date a legally valid offer of possession is made.

6. Present review application is **disposed of** accordingly. File be consigned to record room and order be uploaded on the website of the Authority.



RAJAN GUPTA  
[CHAIRMAN]

DILBAG SINGH SIHAG  
[MEMBER]