



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 830 OF 2021

RENU DEVI AND NEERAJ

....COMPLAINANT(S)

VERSUS

RUHIL PROMOTORS PVT LTD.

....RESPONDENT(S)

**CORAM: Rajan Gupta
Dilbag Singh Sihag**

**Chairman
Member**

Date of Hearing: 07.04.2022

Hearing: 4th

Present through video call: - Sh. Deepak Dahiya, learned counsel for the complainant

Ms. Navneet, learned counsel for the respondent

ORDER (DILBAG SINGH SIHAG- MEMBER)

1. While initiating his pleadings, learned counsel for the complainant argued that flat in question was booked in year 2011 by Mrs. Santra Devi and flat bearing no. B-702 on 7th floor was allotted to her vide letter dated 26.11.2012. Complainant in the present complaint is a subsequent purchaser. Flat was transferred by Mrs. Santra Devi to present complainant on 16.04.2014. Complainant is seeking possession of the booked flat bearing no. B-702, situated in respondent project namely, "Ruhil Residency", Bahadurgarh. Complainants alleges that they have paid an amount of ₹ 39,63,694/- against basic sale price of ₹40,53,000/-. In support of the contention, of an amount of ₹ 39,63,694/-, complainant refer to Annexures A-6 at page no. 47- 52 of complaint, which are statement of Accounts issued by respondent/promoter.

As per agreement dated 01.08.2013, respondent had committed to deliver possession of the unit within 36 months along with grace period of 180 days from the date of execution of agreement, which comes to 01.02.2017. Despite lapse of five years from the deemed date of possession, respondent has not given possession to the complainant. He further stated that more than eight years have gone from date of agreement and project is



still incomplete. Complainants have prayed for possession of the unit along with delay interest.

2. On the other hand, respondent's stand is that the project got registration granted by the Authority vide Registration No. 139 of 2017, dated 28.08.2019 was required to be completed in respect of Phase-I comprising of Towers A, B, C, D, EWS and commercial shops by June 2019 and Phase-II comprising of Towers - E, F, G, H, I by December 2019. Flat of the complainants has been completed in all respects and Occupation Certificate for the entire project was applied on 11.06.2021 and same has also been received by the respondent. Respondent is ready to offer the possession to the complainant along with delay interest.

3. After hearing both the parties and going through the documents placed on record, Authority observes that admittedly complainant booked unit in 2011 and respondent was under an obligation to handover the possession by 2017 but possession has not been offered till date by the respondent/promoter. Today, learned counsel for the respondent Sh. Kamal Dhaiya made a statement in court that Occupation Certificate for the project in question has been received by the respondent/promoter and they are ready to handover the possession of booked unit to the complainant along with delay interest.

4. In view of above statement given by respondent counsel, Authority decides to dispose of the matter while granting relief prayed by the




complainant of possession along with delay interest on the already paid amount from the deemed date of possession i.e. 01.02.2017 till today i.e. 07.04.2022. Account branch of this Authority on calculation of interest @ 9.30 i.e. (SBI highest marginal cost of landing rate plus 2 %), as per Rule 15 of HRERA, Rules 2017, has worked out the amount of ₹ 18,49,178/- as interest payable to the complainant from deemed date of possession i.e. 01.02.2017 till 07.04.2022.

Further, Authority directs respondent to handover the possession of the booked unit to the complainant within 30 days from uploading of this order on the website of the Authority. Respondent is also directed to issue fresh statement of Account to the complainant. While preparing the statement of receivables and payables, respondent shall adjust the amount of ₹18,49,178/- assessed by this Authority as amount of delay interest payable to complainant.

5. **Disposed of.** 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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DILBAG SINGH SIHAG
[MEMBER]