

Suncity Projects Pvt. Ltd.

Vs.

Priti Singhal and Anr.

Appeal No. 213 of 2022

Present: Shri Himanshu Gupta, Advocate, ld. counsel for the appellant.

Office report perused.

The appeal be registered.

There is delay of 38 days in filing the present appeal. The appellant has moved an application for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application and the directions issued by the Hon'ble Apex Court in Suo Moto Writ Petition (C) No.3 of 2020, the application for condonation of delay is hereby allowed and the delay in filing the present appeal stands condoned however, subject to just objections by the respondents.

Ld. counsel for the appellant states that he does not press the application for waiver of the condition of pre-deposit as no amount was payable by the appellant in view of the impugned order passed by the ld. Authority.

We have perused the impugned order with the assistance of the ld. counsel for the appellant. The appellant has been allowed the adjustment of payable and receivable amounts as mentioned in para no. 12 of the impugned order. The appellant were required to file the final statement of account. The appellant has filed the calculation sheet as per the order passed by the ld. Authority which shows that the respondent-allottee were liable to pay a sum of Rs. 33,24,956- towards the principal amount. In addition to that the respondents were also liable to pay the delayed interest, GST etc. The respondent-allottee was awarded the interest for delayed possession on amount of Rs. 17,31,660/-. So, we found substance plea raised by the ld. counsel for the appellant that no

amount was payable by the appellant-promoter to the respondent-allottee as per the impugned order.

Ld. counsel for the appellant inter alia contended that the Id. Authority has wrongly granted the delayed possession charges to the appellant as project was already completed and even the possession was offered to the appellant in the year 2017 much before the filing of the complaint. He further contended that the appellant is entitled for delayed interest till the date of payment. The Id. Authority has wrongly restricted the payment of delayed interest up to the date of offer.

Let notice of the present appeal be issued to the respondent for 24.08.2022 on filing the copies of paper book and registered cover etc. within three days.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

05.07.2022
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