

M/s Pareena Infrastructure Pvt. Ltd.

Vs.

Gautam Kumar

CM Nos. 638, 638 & 639 of 2024

In Appeal No.337 of 2024

Present: Mr. Kamal Jeet Dahiya, Advocate,
for the appellant.

As per report from the Registry, requisite pre-deposit as envisaged by proviso to Section 43(5) of the RERA Act has been made by the appellant.

Present appeal is directed against the order dated 27.02.2024 passed by the Adjudicating Officer. Operative part thereof reads as under:-

“26. It is not clear as when physical possession of subject unit was actually given to allottee/DH, despite officering possession on 16.07.2021. As per findings of Authority, DH is entitled for DPC till 16.07.2021 + 2 months i.e. 16.09.2021. Sector 99A, Gurugram, where the subject unit is situated, is a developing area. Considering the same and also the size of apartment, complainant is allowed a sum of Rs.10,000/- p.m. (from 15.09.2020 to 16.09.2021) as compensation, to be paid by respondent, for having been deprived of possession of their unit.

27. The complainants did not put on file any receipt of payments to their counsel as latter's fee, but apparently. Same were represented by an advocate during proceedings of this matter. The complainants are allowed Rs.50,000/- as cost of litigation, to be paid by the respondent.”

Mr. Dahiya contends that the allottee(s) was granted DPC for the period of 15.09.2020 to 16.09.2021 by the Authority vide order dated 27.02.2024. Said order was passed by clubbing 39 complaints for which there is no provision in the RERA Act. As per him, the instant proceedings for compensation were initiated

thereafter seeking compensation for the same period. The Adjudicating Officer without entering upon fresh adjudication and relying solely upon observation made by the Authority for grant of delay possession charges (DPC) directed that compensation be granted to the allottee(s) for the same period (i.e. 15.09.2020 to 16.09.2021).

Stand of the appellant is that the promoter cannot be penalised twice.

Appeal be registered.

Issue notice for 14.02.2025.

Notice re: condonation of delay as well.

Process be issued for this purpose.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

28.11.2024
Manoj Rana