

Parveen Gambhir
Vs.
Experion Developers Pvt. Ltd.
Appeal No.469 of 2022

Present: Shri Sandeep Khungar, Advocate
Ld. counsel for the appellant

Shri Yashpal Sharma, Advocate,
Ld. counsel for the respondent.

Respondent has filed reply to the application preferred by the appellant for issuance of directions to the respondent to handover the actual physical possession of the unit to the appellant. Copy thereof has been supplied to the opposite counsel.

Out of the total sale consideration of Rs.3,17,55,003/-, the appellant has already paid an amount of Rs.2,91,79,570/- to the respondent-promoter. As per impugned order dated 22.12.2021, the appellant-allottee has been granted delayed possession interest @ 9.30% per annum from the due date of delivery of possession i.e. 27.06.2016, till the date of offer of possession plus 02 months i.e. 27.02.2019, as per Section 19(10) of the Real Estate (Regulation and Development) Act, 2016. Prima facie, at this stage, the total amount paid by the appellant-allottee plus the delayed possession interest, as awarded in the impugned order, is more than the total sale consideration.

Now in the present appeal filed by the allottee, as well as in cross-appeal No.293 of 2022, preferred by the promoter, only point for consideration is as to which of the parties is liable to pay the due amount to the opposite party.

Thus, in these circumstances, the respondent-promoter is hereby directed to handover the possession of the

unit to the appellant-allottee within a period of 4 weeks subject to the final adjudication of the dues of the respective parties.

Now, the present appeal stands adjourned to 11.04.2023 for further proceedings and arguments.

Inderjeet Mehta
Member (Judicial)
Haryana Real Estate Appellate Tribunal
Chandigarh

Anil Kumar Gupta
Member (Technical)

18.01.2023
Manoj Rana