M/s TDI Infrastructure Ltd. V/s Manoj Suneja
Appeal No. 472 /2019

Present: Sh. Sunny Tyagi, Advocate, for Sh. Ajay Ghangas ld. counsel for the appellant.
Sh. Satish Mishra, Advocate, ld. counsel for the respondent.

Previous cost of Rs. 15,000/- has been paid to the respondent through demand draft.

Ld. counsel for the respondent states that the Ld. Authority has not entertained their request for clarification, so, they have only one option to file the execution petition which they will exercise in due course.

In the impugned order, a direction was given to the appellant/promoter to prepare a fresh statement of accounts clearly stating therein the amounts to be paid by the allottee to the appellant/promoter in accordance with the principle laid down in the impugned order and also the amount to be paid by the appellant/promoter to the respondent/allottee by way of compensation for delayed of possession. In the impugned order, Ld. Authority has directed that the appellant/promoter will charge interest for delayed payment at the rate of 9% p.a. instead of 18% p.a. The said fresh calculation of statement has not been filed so far by the appellant before the Ld. Authority or before this Tribunal along with the appeal. The fresh statement of account as per the impugned order be filed positively on the next date of hearing with advance copy to the respondent. We have to pass this order as the initially calculations submitted by the appellant on 12.09.2019 is not as per the direction given by the ld. Authority in the impugned order. So, the said calculations cannot be taken into consideration.

Now to come up on 17.01.2020 for further proceedings and consideration on the amount required to be deposited in order to comply with the provisions of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh
20.12.2019

Inderjeet Mehta
Member (Judicial)
20.12.2019