

M/s TDI Infrastructure Ltd.

Vs.

Manoj Suneja

Appeal No.472 of 2019

Present: Shri Ajay Ghangas, Advocate, Ld. counsel for the appellant.
Shri Satish Mishra, Advocate, Ld. counsel for the respondent.

Ld. counsel for the appellant has placed on file the fresh calculations. The appellant has already deposited a sum of ₹2,88,658 with this Tribunal on 5th September, 2019. As per fresh calculations, the respondent-allottee is entitled to recover a sum of ₹3,60,638.63, but this amount has been worked out without adding the club membership charges of ₹50,000/- and interest free maintenance of ₹24,062/-. Ld. counsel for the appellant contented that as per the agreement, the appellant-promoter was entitled to recover this amount. Ld. counsel for the appellant contended that this amount should be added as per agreement. The appellant has also added a sum of ₹62,200/- towards interest on EDC on account of delayed payment till date.

Ld. counsel for the respondent has raised the objection towards this amount and contended that the respondent has already paid a sum of ₹1,26,000/- towards EDC and no amount is due from the respondent towards EDC. Ld. counsel for the appellant wants to clarify this fact.

The present appeal is pending since many dates on the stage of compliance of the provisions of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016

(hereinafter called 'the Act'). Ld. counsel for the appellant is directed to file an affidavit of the Director of the appellant-company on the next date of hearing to show as to how the amount of ₹62,200/- has been charged on account of interest on EDC. The said affidavit be filed with an advance copy to the Ld. counsel for the respondent within 10 days.

Now to come up on 13th February, 2020 for further proceedings.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh
24.01.2020

Inderjeet Mehta
Member (Judicial)
24.01.2020

Anil Kumar Gupta
Member (Technical)
24.01.2020