



PROCEEDINGS OF THE DAY		78
Day and Date	Tuesday and 30.04.2024	
Complaint No.	CR/1607/2022 Case titled as Lalit Kumar Nain VS Aster Infrahome Private Limited	
Complainant	Lalit Kumar Nain	
Represented through	Complainant in person.	
Respondent	Aster Infrahome Private Limited	
Respondent Represented through	Shri Shankar Wig and Ms. Aditi Sahay Advocates	
Last date of hearing	19.03.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint has been received on 06.05.2022 and the reply was received on 29.08.2022.

The complainant is seeking the following reliefs :-

- 1. Direct the respondent to pay prescribed rate of interest on the amount paid at the rate of 15% p.a. as charged by the respondent from the complainant on delay installment till the respondent hands over the legal and rightful possession of the plat as per clause 5(iii)(b) of Haryana Affordable Housing Policy, 2013**
- 2. Direct the respondent to deliver the possession of the flat to the complainant after receiving OC and other approvals from the competent authority.**
- 3. Direct the respondent to complete the development of the flat along with all the facilities and amenities like water, electricity, roads, parks, club etc. immediately.**
- 4. Direct the respondent to provide fixed date of delivery of possession.**
- 5. Direct the respondent to not to charge anything which is not mentioned**



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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

in the agreement and scheme.

The counsel for the respondent states that they have settled many cases w.r.t. the handover of possession and the respondent is ready to offer the physical possession today itself through email as well as post to the complainant. Further he states that respondent will not insist on prior payment of any outstanding amount which will be settled as per the orders of this Authority on the reliefs sought by the complainant including delayed interest. The authority has already considered the due date of possession as 06.11.2020 by calculating 4 years from the date of consent to establish i.e. 06.05.2016 plus 6 months grace period in lieu of covid-19. However, aggrieved by this order by not allowing the delay on account of ban on construction etc as already allowed by the Ld. Civil Judge in suit no. CS-3317-2022, the respondent preferred an appeal against the said order of authority for not allowing extra grace period on account of delays due to reason beyond the control of the promoter.

Furthermore, the respondent states that the Ld Civil Judge has taken the due date from the date of establishment as date of commencement of project after going through the order of the Authority vide complaint no. 4798 of 2022 wherein it has been confirmed by the Authority that start date of construction of the project as 06.05.2016 (consent to establish) and after that 13 months grace period was given by the Learned Court of Civil Judge on the basis of certain notification considering it as moratorium period of 11 months and also Leaned Civil Judge has given 94 days grace period on the basis of judgment of Apex Court and NGT. the same was also endorsed by the appeal at the UP tribunal vide appeal number 541/2021, which also states that the Covid pandemic has also given 116 days on account of restriction/ban imposed by the environment pollution authority as well as wide orders of honourable Supreme Court of India dated 14 November 2019.

The counsel for the complainant states that the respondent has been kept on demanding payments from them but, never showed their willingness to handover the possession despite repeated follow-ups. Even after giving so many opportunities, the respondent did not handover the possession to the complainant, which clearly states the intention to play delay tactics.



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Arguments Heard.

Both the parties may file written submissions within a period of 15 days after applying a copy to each other.

Matter to come up on 13.08.2024 for pronouncement of orders.


Sanjeev Kumar Arora
Member


Vijay Kumar Goyal
Member


Arun Kumar
Chairman
30.04.2024