



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. हा. विभाग गुरु. मिनिल हाईम. गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY

Day and Date	Monday and 22.01.2024
Complaint No.	E/1982/2022/405/2020 Case titled Babita Tiwari and Yogesh Tiwari VS Emaar India Limited
Complainant	Babita Tiwari and Yogesh Tiwari
Represented through	Mr Manish Yadav Adv
Respondent	Emaar India Limited
Respondent Represented through	Mr Ishaan Dang Adv
Last date of hearing	
Proceeding Recorded by	Jyoti Malik

Proceedings

On 20.09.2023, matter was referred to the Accounts officer for calculation of decretal amount. Report received on 06.10.2023. Learned counsel for DH has objection against this report. According to him, his client was entitled for interest from 14.06.2023 to 11.07.2023, and again on remaining principal amount from 12.07.2023 to 30.10.2023. It is further his plea that amount received from the Appellate Tribunal was released in favour of his client (DH) on 30.10.2023. Same is entitled for interest till this date.

Through order under execution, the authority directed respondent to pay interest at the prescribed rate of 9.30% per annum for every month of delay from the amount paid by complainant from due date of

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्याक 16

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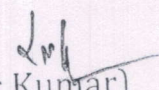
नया पी. डब्ल्यू. हा. विन्ध्याम गृह, सिविल लाईन्स, गुरुग्राम, हरियाणा

possession i.e. 07.03.2014 till 14.02.2021 i.e. expiry of two months from the date of offer of possession (14.12.2020). The arrears of interest accrued so far, are to be paid within 90 days from the date of order as per rule 16(2). The authority clarified that interest is to be calculated as per Section 18(1) of the Act of 2016.

It is apparent that the accounts officer has calculated interest from 07.06.2014, but as mentioned above, the authority allowed interest from 07.03.2014. ^{Further} Apparently, when the amount was not paid within 90 days, the DH is entitled for interest, during this period also. I ^{also} agree with the plea of learned counsel stating that DH ^{is} entitled for interest, till amount is released.

Even if the amount was remitted by the Appellate Tribunal, DH is entitled for interest till the date, said amount was released in his favour. Let file be again sent to the Accounts Officer ^{immediately} for fresh calculation. Report be filed till next date.

To come on 02.04.2024 for further proceedings.


(Rajender Kumar)
Adjudicating Officer
22.01.2024