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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

**PROCEEDINGS OF THE DAY**

Day and Date	Tuesday and 28.05.2024
Complaint No.	E/232/2022/4635/2020 Case titled Amit Goel and Sikha Jian VS Ashiana Dwelling Private Limited
Complainant	Amit Goel and Sikha Jian
Represented through	Mr Sukhbir Yadav Adv
Respondent	Ashiana Dwelling Private Limited
Respondent Represented through	Mr. Nitish Harsh Gupta Adv
Last date of hearing	
Proceeding Recorded by	Jyoti Malik

**Proceedings**

This is a petition seeking execution of order passed by this forum dated 11.10.2021. The respondent has been directed to refund Rs 78,96,453.26/- to the complainants within 90 days from the date of order alongwith interest at rate 9.30% per annum from the date of each payment till realization of the amount. A cost of Rs. 50,000/- was also imposed upon the respondent.

During deliberations, it is admitted by learned counsel for DH that about Rs. one crore 20 lakhs have already been received by his client, during execution proceedings. He files fresh calculation.

AR of JD objected said calculation. According to him, DH's in their calculation have not given exemption of 90 days time, which was granted by

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 संख्यांक 16



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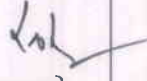
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this forum to make payment. On the other hand, according to learned counsel for DH, JD is not entitled for any exemption from interest. Said period was granted to the same to make payment only impugned order does not mention about any such exemption.

I agree with learned counsel for DH in this regard. This was the money already paid by the complaint, which was ordered to be refunded by the JD. The latter used said money for its benefit otherwise, it will amount undue enrichment by the JD. Same (JD) is not entitled for exemption of any such period of 90 days. Objection is thus regard is dismissed.

As per learned counsels for parties, it is agreed between their clients that a sum of Rs. 16,16,242/- will be paid by JD on or before on 30.06.2024. Adjourment is requested after that date i.e. 30.06.2024. Allowed.

To come on 26.07.2024 for further proceedings.

  
(Rajender Kumar)  
Adjudicating Officer  
28.05.2024

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