

PROCEEDINGS OF THE DAY		49
Day and Date	Tuesday and 18.02.2025	
Complaint No.	MA NO. 1036/2024 in CR/3121/2024 Case titled as Sankhesara Harshad Kumar and others VS Sunrays Heights Private Limited	
Complainant	Sankhesara Harshad Kumar and others	
Represented through	Shri Vijay Pratap Singh Advocate	
Respondent	Sunrays Heights Private Limited	
Respondent Represented through	Ms. Deepali proxy counsel	
Last date of hearing	Application u/s 36 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

An application dated 28.08.2024 was filed by the complainant under section 36 of the Act to restrain the respondent from creating 3rd party right and maintain status quo with respect to the subject unit till pendency of the complaint.

The counsel for the complainant states that the complainant has already paid 85% of the total consideration and the project is unduly delayed. Despite this, the respondent is sending demand letters with illegal demands which are not part of the BBA imposing interest at higher rates which are not as per the norms of the RERA Act/Rules. Further, the respondent is coercing the complainant to sign the settlement deed against his wishes and threatening to cancel the unit in case the illegal demands are not met.

The counsel for the respondent states that no cancellation has been made in respect of the unit of the complainant and only an intimation to make the outstanding payment has been published in the newspapers giving 15 days time to the defaulters to pay the outstanding amount. He further states that occupation certificate for the project has already been obtained by the respondent from the competent authority on 31.12.2024 and the offer of



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
MANE/026/2024 IN CR/02/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

possession is being made to the complainant. A legible copy of the occupation certificate will be filed in the registry within 15 days.

He further states that the respondent has availed SWAMIH Fund to complete the project and the instalments are being paid but due to non-payment of outstanding dues by large number of allottees, the respondent is facing difficulty to pay due instalments of SWAMIH Fund.

Arguments heard.

The Authority is of the view that there is inordinate delay in completing the project and the respondent has not yet offered the physical possession of the unit. Now the respondent has obtained the occupation certificate. However, keeping in view the inordinate delay in handing over of the possession, the complainant is entitled for delay possession charges at the prescribed rate of interest i.e. 11.10% per annum under section 18(1) of the Act, 2016. However, the allottee is also liable to pay interest on the delayed installments at the equitable rate in terms of section 2(z)(a) of the Act, 2016.

Keeping in view of the above, the respondent is directed to issue updated statement of account to the complainant which includes delay possession charges at the rate of interest as prescribed under section 2(z)(a) of the Act, 2016 and interest payable by the complainant for delay in making payment of installments as stated above, within a period of three weeks. Thereafter, the complainant may file reply to the said statement of account further within a period of three weeks. A copy of the same shall also be filed in the registry of the Authority by both the parties before the next date of hearing.

Matter to come up on 08.04.2025 for further proceedings.

Ashok Sangwan
Member

Arun Kumar
Chairman
18.02.2025

V.I. Vijay Kumar Goyal
Member