

PROCEEDINGS OF THE DAY		65
Day and Date	Monday and 29.08.2022	
Complaint No.	CR/4373/2021 Case titled as Pradeep Gupta and Anuradha Gupta Vs Jubilant Malls Pvt Ltd	
Complainant	Pradeep Gupta and Anuradha Gupta	
Represented through	Shri Abhay Jain Advocate	
Respondent	Jubilant Malls Pvt Ltd	
Represented through	S/Shri Venket Rao and Pankaj Chandola Advocate	
Last date of hearing	26.08.2022	
Proceeding Recorded by	Naresh Kumari	

Proceedings

The complainant has moved an application dated 24.08.2022 for issuance of interim directions to respondent-builder as it has offered the possession on 02.08.2022 and asked for payment of final instalment payable on offer of possession. The respondent has sent an email to the complainant for the payment of final instalment otherwise he will cancel the allotment of the unit in question. Further, the respondent-builder wants the complainant to sign settlement document which would result in withdrawal of case pending in the authority to obtain possession letter and get the conveyance deed executed.

The complainant through this application prayed for passing an interim order to builder to maintain status quo until next date of hearing. The complainant also submitted that he is ready to make balance payment to the builder within 7 days but want legal possession by adjusting the delayed penalty.

The respondent produced a copy of the completion certificate which is not legible at all. This copy serves no purpose except to believe the counsel that on 22.07.2022 CC of this project has been obtained. The promoter is obligated under proviso to section 18 (1) of the Act to pay the allottees delayed

CR/513/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

possession charges at the prescribed rate of interest i.e. 10% per annum from the due date of possession till actual date of handing over of possession. If allottee does not come forward to take possession within 2 months as required under section 19 of the Act then the obligation of the builder to pay delayed possession charges may be deemed to have come to an end after 2 months from the date of offering possession. The promoter is advised to issue demand letters regarding due payments on possession after adjustment of delayed possession charges as per provisions of the Act, 2016. The delayed period also covers the Covid-19 period, accordingly six months delayed payment interest cannot be paid and also shall not be charged for the delayed payment of instalments, if any, by the allottee. The possession is to be given free from all encumbrances as per the provisions of the Act, 2016.

The promoter is restrained from cancelling any unit as the complainant is ready to make balance payment to the builder within 7 days if demands are raised after adjusting delayed possession charges. The promoter shall not charge anything which is not part of BBA or otherwise held to be invalid by the Hon'ble Supreme Court of India.

Application stands disposed off.

Matter to come up on 16.11.2022 for further proceedings.

Vijay Kumar Goyal
Member

Dr. KK Khandelwal
Chairman
29.08.2022