



**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. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

**PROCEEDINGS OF THE DAY**

Day and Date	Friday and 10.11.2023
Complaint No.	E/548/2023/1880/2019 Case titled Rashmi Garg VS Ireo Grace Realtech Private Limited & Maderia Conbuild Private Limited & Precision Realtors Private Limited & Blue Planet Infra Developers Pvt Ltd. & Global Estate
Complainant	Rashmi Garg
Represented through	Ms Preeti Jha Adv
Respondent	Ireo Grace Realtech Private Limited & Maderia Conbuild Private Limited & Precision Realtors Private Limited & Blue Planet Infra Developers Pvt Ltd. & Global Estate
Respondent Represented through	Ms Shivani Dang Adv
Last date of hearing	
Proceeding Recorded by	Jyoti Malik

**Proceedings**

Report/calculation as done by Account<sup>1</sup> officer has been received. Learned counsel for JD files an application/objections. Copy given.

Heard. It is submitted by learned counsel for objector/JD that this order/decreed is against respondent/JD no. 1 only. She submits that names of other respondent/JD be deleted.

From the operative portion of order under execution it is clear that it was only respondent No. 1 which has been directed to refund the amount paid by the complainant and not the other respondents. Matter has already been decided. No reason to delete the name of other respondents.

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 अर्तगत गठित प्राधिकरण  
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16

*Jyoti Malik*  
*AO*



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Although it is clarified again here that order/decreree is executable against respondent no. 1 only i.e. Ireo Grace Realtech Pvt. Ltd.

Other objection of learned counsel is about calculation of interest. According to her, the accounts officer has calculated compoundable interest which is not allowed by law. Without commenting whether it amounts compoundable interest or simple interest, interest is to be calculated as per Rule 16 of the Haryana Real Estate (Regulation and Development) Rules, 2017(in brief Rules of 2017).

As per Rule 16(1), any refund of money alongwith with interest shall be payable by the promoter to allottee, within a period of 90 days of order.

It agitates in the mind of undersigned, as what was reason for the Govt. to provide for 90 days' time to make payment by the promoter. Section 2(za) clause II says that interest payable by the promoter----- shall be from the date, promoter received the amount ----- till the date the amount or part thereof and interest thereon is refunded. There is no exemption of 90 days. If intention of Govt. was not to allow interest for 90 days, same would have specifically prescribed in this behalf. In the absence of same, it appears that provision of 90 days' time was to discourage filing of execution petition by the parties particularly by the allottee and not deprive the latter (allottee) of interest on his own money, which is ordered to be refunded. Ruminating all this, in my opinion allottee/DH is entitled for interest from the date of each payment till actual date of refund, as ordered by the authority, without exemption of 90 days, as claimed by learned counsel for JD.

Objections are thus dismissed.

Let recovery certificate of amount as calculated by accounts officer be issued to the Collector, Gurugram to recover the decretal amount as arrears of land revenue.

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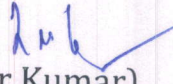
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File be sent to Accounts Officer immediately to prepare recovery certificate. Same be got signed from the undersigned.

Compliance report be called from Accounts Officer for 23.01.2024.

  
(Rajender Kumar)  
Adjudicating Officer  
10.11.2023