



HARERA
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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	Wednesday and 18.10.2023
Complaint No.	E/6217/2022/1403/2021 Case titled Abhishek Sharma Vs Spaze Tower Private Limited
Complainant	Abhishek Sharma
Represented through	Mr Sukhbir Yadav Adv
Respondent	Spaze Tower Private Limited
Respondent Represented through	Ms Tanya Adv proxy on behalf of Mr Harshit Batra Adv
Last date of hearing	
Proceeding Recorded by	Jyoti Malik

Proceedings

This is a petition seeking execution of order/decreed passed by the authority dated 15.03.2022. Apart from direction ^{to} respondent/JD to pay interest at the prescribed rate i.e. 9.30% per annum for every month of delay on the amount paid by complainant from due date of possession plus six months of grace period i.e. 20.02.2017 till the expiry of two months from the date of offer of the possession (01.12.2020) which comes to be 01.02.2021. The arrears of interest accrued so far ^{went to} shall be paid to the complainant within 90 days from the date of this order as per Rule 16(2) of the rules, ^{the} authority directed complainant to pay outstanding dues after adjustment of interest for the delayed period.



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It is contended by learned counsel for DH that JD is demanding money in the name of increase in the super area, but actually no such area has been increased. On the other hand, it is claimed by learned counsel for JD that super area was actually increased more than 9.9% but to bring it within the ambit of Act her client i.e. JD claims arrears only taking it as 9.9%. This fact came before the authority also during arguments on the complaint in which order under execution was passed. Learned counsel took me through the order passed by the authority particularly, para no. 53 of the order. All this supports contention of JD.

The JD has put on file a certificate issued in the name of Mr. Naresh Kumar an architect, which also verifies increase in the super area. The detail of entire project is also given by the JD. I have no reason to doubt certificate, as issued by the Architect.

As per learned counsel for DH, in view of the order passed by the authority, JD was to give justification about the super area as mentioned above. JD has already given evidence in this regard which is described above. No substance in this plea of learned counsel for DH. Learned counsel for DH insists on to rely upon a certificate given by his architect namely Mr Ankur Tulsian. A perusal of this certificate makes it clear that said opinion is about the carpet area. Admittedly, the unit in question was sold on the basis of super area. The certificate is of no help to the DH in this case.

Both of learned counsel requests to refer the matter to the Accounts Officer. Allowed. Matter is referred to the Accounts Officer for 05.01.2024 for calculation of amount due. Parties may file their calculation till this date. To



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appear before this forum on 12.01.2024. Accounts Officer to file his calculation/report till next date i.e. 12.01.2024.

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(Rajender Kumar)
Adjudicating Officer
18.10.2023