



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 31.03.2023
Complaint No.	E/6627/2019/1642/2018 Case titled Deepika Jain and Surender Kumar Gaur Vs SS Group Private Limited
Complainant	Deepika Jain and Surender Kumar Gaur
Represented through	Mr Ravinder Jain Adv
Respondent	SS Group Private Limited
Respondent Represented through	Mr Dhruv Dutt Sharma Adv
Last date of hearing	
Proceeding Recorded by	Jyoti Malik

Proceedings

This is a petition seeking execution of order passed by the authority dated 02.05.2019. It is pointed out that possession of unit has already been handed over to DH on 09.09.2022. Learned counsel for DH claims that his client is entitled to the interest i.e. DPC till this date i.e. 09.09.2022. On the other hand, according to learned counsel for JD, his client had already offered possession of said unit on 22.10.2018 and this fact is mentioned by the authority also in order under execution.

Apart from hearing learned counsels, I have gone through order under execution. This order speaks as that the respondent had offered possession to the complainant on 22.10.2018 and the possession was delayed by two years nine months and eighteen days. After mentioning this fact, the

[Signature]
A.O.



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

authority held respondent liable to pay interest under Section 18(1), of the Act, read with Rule 15 of the rules, to the complainant, at the prescribed rate i.e. 10.75% per annum for every month of delay from due date i.e. 04.01.2016, till offer of the possession.

Learned counsel for DH claims that this was not actual offer of the possession rather "an offer for fit out". According to him, his client is entitled for DPC, till the date of actual handing over of the possession i.e. 09.09.2022.

By sending letter for 'fit out', the builder/developer invites the allottee to come and see ¹⁶ unit, was complete or worth occupying. It cannot be termed as valid offer of possession. Considering all this, in my opinion JD is liable to pay interest till actual handing over possession i.e. 09.09.2022. Objection raised by JD in this regard is thus dismissed.

This is a petition seeking execution of order for recovery of amount of interest. As per judgment of Hon'ble High Court of Punjab & Haryana, Chandigarh, in case tilted as M/s International Land Developers Pvt. Ltd. Vs. Aditi Chauhan and others CWP No. 7738 of 2022, and M/s International Land Developers Pvt. Ltd. Vs. Nitin Mathur and others CWP 7750 of 2022 for recovery of amount, recovery certificate is required to be issued to the collector concerned. Let R/C be issued to collector, Gurugram to recover decretal amount, as arrears of land revenue.

File be sent to CA for preparing recovery certificate. Parties to appear before CA on 03.05.2023.

(Rajender Kumar)
Adjudicating Officer
31.03.2023