



HARERA
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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		11
Day and Date	Tuesday and 05.09.2023	
Complaint No.	CR/678/2021 Case titled as Rajiv Sethi Vs Orris Infrastructure Pvt. Ltd.	
Complainant	Rajiv Sethi	
Represented through	Shri Satya Prakash Yada, Advocate	
Respondent	Orris Infrastructure Pvt. Ltd.	
Respondent Represented through	None	
Last date of hearing	11.07.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
<p>The present complaint was heard and disposed of vide order dated 13.07.2022 wherein the Authority has awarded delayed possession charges to the complainant at the prescribed rate of interest i.e., 9.70% p.a. from due date of possession i.e. October 2015 till date of the possession plus 2 months i.e. 11.06.2017 as per section 18(1) of the Act read with rule 15 of the Rules.</p> <p>Application dated 11.10.2022 has been filed by the counsel of the complainant wherein it is stated that the Authority had observed at para no.32 at page 21 of order dated 13.07.2022 that the '<i>due date of possession as per agreement for sale as mentioned in the table in para 2 is October 2015 and there is delay of 2 years approximately on the date of filing of the complaint as respondent has already offered the unit on 11.04.2017 after obtaining occupation certificate from the competent authority on 06.04.2017</i>'. It is further submitted by the applicant-complainant that the said order suffers from an error apparent on the face of record, in as much as, the due date of possession, as per the builder buyer agreement executed on 26.03.2011 is October 2014 and not October 2015. In view of the above, it is prayed by the applicant-complainant that necessary orders be passed thereby rectifying the</p>		

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



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orders dated 13.07.2022.

On 09.03.2023, the counsel for the complainant was directed to file written submissions and the same were filed by the complainant on 04.07.2023 whereby the complainant is proposing following rectification as under:

S.No.	Matter sought to be rectified	Relevant page of detailed order dated 13.07.2022 showing error	Proposed rectification by the applicant-complainant with relevant page of paper book showing error
1.	Date of approval of building sanction plan	April 2012 [Point no.10 at page 3 of detailed order dated 13.07.2022]	29.07.2011 [Letter dated 29.07.2011 [at page 52 of complaint] issued by the respondent stating that the sanction plan/approvals of the project were already received prior to 29.07.2011]
2.	Due date of offer of possession	October 2015 [calculated from- 42 months April 2012 i.e, date of sanctioned plans, Point no.13 at page no.3 of detailed order dated 13.07.2022]	29.01.2015 [calculated from- 42 months from letter dated 29.07.2011 sent by the respondent to bank whereby the respondent has stated of receiving sanctioned plans]
3.	Date of offer of possession	11.04.2017 [Point no.18 at page 4 of detailed order dated 13.07.2022, after relying upon annexure B at page 23 of reply]	The offer vide said letter is conditional as it was subject to payment of certain dues which have been held illegal by this Authority. Also, the said letter dated 11.04.2017 also refers to earlier letter dated 22.07.2016 and this letter dated 22.07.2016 shows that the possession was being offered



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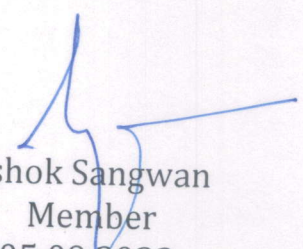
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			without OC in 2016, as such offer made vide such letter is no offer in eyes of law.
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The respondent has already placed on record copy of building plans in compliance of orders dated 25.04.2023 passed by the authority. The respondent has also placed on record approval of building plan dated 14.10.2010 and has also placed on record approval of revised building plan dated 10.04.2012.

Arguments of the counsel for the complainant heard.

Order reserved. Detailed orders will follow.


Ashok Sangwan
Member
05.09.2023