



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2141 OF 2023

Balkishan Sahni

....COMPLAINANT

VERSUS

Countrywide Promoters Pvt. Ltd.

....RESPONDENT

CORAM: Nadim Akhtar

Member

Chander Shekhar

Member

Date of Hearing: 03.02.2025

Hearing: 2nd

Present: Mr. Anuj Diwan, Counsel for the complainant
Mr. Hemant Saini, Counsel for the respondent through VC.

ORDER (NADIM AKHTAR- MEMBER)

1. The learned counsel for the complainant stated that the respondent received the Occupation Certificate for the unit in question in 2019. However, despite the complainant's repeated email inquiries regarding the Occupation Certificate, the respondent continued to deny having received it. This is evident from the respondent's email to the complainant, annexed as Annexure C-10 on page 103 of the complaint book. It was only in August 2021 that the respondent, via email, confirmed receiving the Occupation Certificate. The complainant's

grievance is that the interest for the delay in possession should be calculated until 2021, the year they were informed about the receipt of the Occupation Certificate, rather than 2019, when the respondent actually obtained it.

2. On the other hand, learned counsel for the respondent argued that the complainant is also not approaching the Authority with clean hands. Despite being informed in 2021 that the Occupation Certificate was received in 2019, the complainant has still not taken possession of the unit. The respondent maintains that interest on account of delayed possession should only be granted until the date of issuance of Occupation Certificate, i.e., 28.02.2019. The ld. counsel for respondent further stated that they are ready to hand over possession of the unit to the complainant even now.
3. The learned counsel for the complainant confirmed that the complainant is willing to take possession of the unit, provided that the settlement of receivables and payables is determined by the Authority. Ld. counsel for respondent agreed to the request of settlement of receivables and payables by the Authority.
4. After hearing the arguments of both parties, the Authority finds it appropriate to fix a date for the complainant to visit the respondent's site office for possession. The Authority directs the complainant to visit the site office on 17.02.2025 for this purpose. The respondent is further instructed to send an email within next 03 days to the complainant, specifying the time of the visit and the contact details of the person who will be present at the site to assist the complainant.



The respondent is directed not to charge any amount from the complainant at the time of the visit or during the handing over of possession. The Authority deems it appropriate to settle the receivables and payables at a later stage. Both parties are therefore directed to submit their respective calculations of receivables and payables as per prevailing RERA rate of interest of 11.10% per annum in the registry, with an advance copy provided to the opposite party.

5. Case is adjourned to 07.04.2025 for arguments.


CHANDER SHEKHAR
[MEMBER]


NADIM AKHTAR
[MEMBER]