



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 478 OF 2022

Sanjay Goyal

....COMPLAINANT

Versus

TDI Infrastructure Ltd.

....RESPONDENT

CORAM: Dr. Geeta Rathee Singh
Chander Shekhar

Member
Member

Date of Hearing: 18.03.2025

Hearing: 12th

Present: Adv. Himanshu Goyal, Ld. counsel for Complainant through VC
Adv. Anjanpreet Singh, proxy for Adv. Shubhnit Hans, counsel for respondent through VC

ORDER

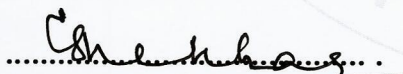
1. On last date of hearing i.e. 25.02.2025, case was adjourned to 18.03.2025 due to non-completion of coram.
2. Today, when the matter was called out none was present on behalf of respondent. However, later on towards the end of cause list Adv. Anjanpreet Singh proxy for Adv. Shubhnit Hans Ld. counsel for respondent appeared through VC and requested to mark his attendance..

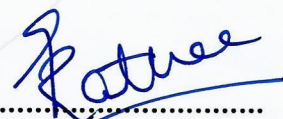
3. Today, Ld. counsel for complainant appeared and stated that Complainant in this case had booked a residential flat in the project of the respondent namely "Tuscan Heights, TDI CITY" situated at Kundli, Sonipat in the year 2011. Complainant was allotted unit no. T-2/1204, admeasuring 1390 sq.ft vide allotment letter dated 27.07.2011. Builder buyer agreement was executed between both parties on 30.07.2011. As per para no.30 of the said agreement for sale, possession of unit was to be handed over to complainant within 30 months i.e. by 30.01.2015. Total sale consideration of the unit is Rs. 44,65,157/- against which complainant has paid an amount of Rs. 45,64,168.72/-. An offer of possession was issued by the respondent vide letter dated 06.03.2018 along with an additional demand of ₹ 9,04,944/-. Thereafter, possession certificate was executed between both parties on 13.07.2018. Further, respondent had unilaterally increased the super area of the booked unit from 1390 sq. ft to 1654.10 sq.ft. Complainant has filed present complaint seeking delay interest on account of delayed delivery of possession and refund of excess charges raised on account of increase in super area.
4. Perusal of complaint file revealed that in order dated 20.04.2023 para 3, respondent accepted that he had not received occupation certificate till date, though he had applied for occupation certificate on 09.05.2014. He further submitted that possession has already been offered to the



complainant in the year 2018 and the complainant has been utilising the flat since then. At the time of offer of possession, complainant had signed the no objection certificate and were given one month's time to inspect the unit. Complainant had wilfully accepted the possession of the flat. Thus, he is only entitled to receive delay interest for the period from 2014 till 2018 and not beyond thereof. He further stated that the club is in existence at the site of the project and being enjoyed by the residents. Parking charge, preferential location charges and other charges objected by the complainant have been charged as per the agreement and wilfully paid by the complainant who did not raise any objection at the time of payment. Furthermore, respondent submitted that the facts and grievances in present bunch of matter are similar to Complaint no. 57 of 2021 titled "Prabhakar Kumar Vs TDi Infrastructure ltd" and that thus bunch of cases can be decided in same terms.

5. Case is adjourned to 01.07.2025 for further arguments and consideration.


CHANDER SHEKHAR
[MEMBER]


Dr. GEETA RATHEE SINGH
[MEMBER]