



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: [www.haryanarera.gov.in](http://www.haryanarera.gov.in)

## 1. COMPLAINT NO. 138 OF 2022

Nirmala Devi .....COMPLAINANT

VERSUS

TDI Infrastructure Ltd. ....RESPONDENT

## 2. COMPLAINT NO. 183 OF 2022

Naresh Arya .....COMPLAINANT

VERSUS

TDI Infrastructure Ltd. ....RESPONDENT

## 3. COMPLAINT NO. 563 OF 2022

Kanwaljeet Singh .....COMPLAINANT

VERSUS

TDI Infrastructure .....RESPONDENT

## 4. COMPLAINT NO. 564 OF 2022

Vivek Pal Singh .....COMPLAINANT

VERSUS

TDI Infrastructure .....RESPONDENT

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**CORAM:**                      **Dr. Geeta Rathee Singh**                      **Member**

**Nadim Akhtar**                      **Member**

**Date of Hearing:**    09.11.2023

**Hearing:**                      8<sup>th</sup> in all cases

**Present: -**                      Mr. Shiv Kumar, Counsel for complainant .  
   (in complaint no. 138 of 2022) through VC  
   Mr. Arjun Kundra, Counsel for complainant  
   (in complaint no. 183 of 2022) through VC  
   Mr. J.P.Singh, Representative of complainant  
   (in complaint no. 563 & 564 of 2022) through VC  
   Mr. Shubhnit Hans, Counsel for respondent through  
   VC.

**ORDER    (DR. GEETA RATHEE SINGH - MEMBER)**

1. On the last date of hearing, i.e. 20.04.2023, Authority has observed as follows:-

*“After hearing submissions of all parties, Authority observes that the complainant is aggrieved by the fact that although the complainant has accepted possession of the booked flat in the year 2019 but said possession cannot be called a valid possession for two reasons, one being that there is a severe lack of basic infrastructural facilities at the site of the project and second, the project is yet to receive occupation certificate. Without occupation certificate, conveyance deed qua the flat booked by the complainant cannot be registered and without conveyance deed complainant does not have any right or title pertaining to the booked flat. In such circumstances, even though complainant has executed an NOC and taken possession but the complainant is not able to enjoy his rights since it is not a valid possession. Therefore, complainant has prayed for delay interest from deemed date of possession till a valid offer of possession after obtaining occupation certificate. It is observed that complainant has been utilising the possession of the flat since the year 2018. Section 18*



*of the RERA Act provides for interest on account of delay in delivery of possession till the handing over of the possession which in this case has been accepted by the complainant. Now complainant has raised question in reward to the defective title of the flat in view of clause 26 of the builder buyer agreement. In order to effectively adjudicate the issue with regard to period of delay interest it is important to hear arguments of both parties on this issue in respect of provisions of Section 18 of the Act and clause 26 of the agreement. Authority on next date will hear arguments of concerned parties specifically to the period for which delay interest is admissible to the complainant.*

*It has further been alleged by the complainant that respondent has raised charges on account of various heads which were not payable by the complainant. With regards to the conflict on account of the demands raised by respondent, complainant is directed to file calculations of the amount allegedly charged by the respondent in excess along with demand letters issued by the respondent and the terms and conditions of allotment agreed between the parties according to which the demands should have been raised. These documents should be filed at least three weeks before the next date of hearing with advance copy supplied to the respondent. Respondent is at liberty to file objections, if any, to the calculations filed by complainant with advance copy supplied to complainant before the next date of hearing. No further opportunity will be granted to either of the parties.*

*Respondent shall also file component wise component wise chart of increase in super area of the unit of the complainant along with copies of earlier approved unit plan and revised approved unit plans of the complainant in all captioned complaints."*

2. Complainants in complaint no. 138, 563, 564/2022 have filed calculations of disputed demands in registry on 11.09.2023 and 19.09.2023 respectively. Ld. counsel for respondent submitted that he has not received copy of calculations filed by complainants and further stated that these cases have been re-opened by the Authority so he came to know about these dates only after seeing today's cause



list so he sought time to file component wise chart of increase in super area of the units of the respective complainants. His request has been accepted.

3. Complainants are directed to provide scanned copy of calculations of disputed amount to ld. counsel for respondent. Respondent is directed to file component wise detail of increase in super area of the units within next 3 weeks with advance copy supplied to respective complainants. Complainants in complaint no. 183/2022 has not filed calculations of disputed demands in compliance of directions issued vide order dated 20.04.2023. Last opportunity is granted to both the parties to file requisite documents in compliance of order dated 20.04.2023.
4. Cases are adjourned to 11.01.2024 for arguments.

  
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NADIM AKHTAR  
[MEMBER]

  
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DR. GEETA RATHEE SINGH  
[MEMBER]