



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 711 OF 2024

Madhu Sareen and Anr.

....COMPLAINANTS

VERSUS

BPTP Ltd.

....RESPONDENT

CORAM: Nadim Akhtar

Member

Chander Shekhar

Member

Date of Hearing: 07.04.2025

Hearing: 3rd

Present: Adv. Nitin Kant Setia, counsel for complainant through VC.

Adv. Hemant Saini, counsel for respondent.

ORDER: (NADIM AKHTAR-MEMBER)

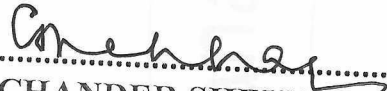
1. As per the last order dated 03.02.2025, learned counsel for the complainants accepted the cheque in the Court itself. It was further directed that in the event complainant find any discrepancy in the receivable and payable amounts,

they shall be at liberty to file objections in the registry, with an advance copy supplied to the opposite party.

2. Learned counsel for the complainant appeared and submitted that the respondent has not yet calculated or disclosed the total interest accrued on account of delayed possession, nor has he clarified the rate at which the said interest has been calculated. Despite previous directions, the respondent has failed to provide the same till date. He further contended that the respondent has deducted TDS, which has not been reflected in the account statement annexed by the respondent.
3. On the other hand, learned counsel for the respondent submitted that the total refund amount payable to the complainant is ₹73,35,838/-, and TDS amounting to ₹4,27,955/- has been deducted. He stated that the TDS has been deducted in accordance with the judgment of the Hon'ble Supreme Court. The interest has been calculated at the rate of 11.1%. He requested some time to file an application indicating the detailed calculation of the interest amount. His request is accepted.
4. In response, learned counsel for the complainant submitted that as per the judgment of the Hon'ble Bombay High Court, TDS is applicable on refund only if the amount qualifies as income of the allottee. He requested the Authority to grant time to place the said judgment on record.



5. The Authority directs both parties to place on record the judgments referred to above. The respondent is specifically directed to submit a document detailing the interest amount payable to the complainant, including the rate of interest applied and the manner in which it has been calculated, with an advance copy supplied to the opposite party. In case the complainant finds any discrepancy in the principal amount, interest amount, or the rate of interest applied, the complainant shall be at liberty to file rebuttal to the said application.
6. Case is adjourned to 04.08.2025.


CHANDER SHEKHAR
[MEMBER]


NADIM AKHTAR
[MEMBER]