



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 438 OF 2018

Ritu Nanda ...COMPLAINANT(S)

VERSUS

RPS Infrastrucure LimitedRESPONDENT(S)

Hearing: 26th

2. COMPLAINT NO. 787 OF 2020

Divya Aggarwal ...COMPLAINANT(S)

VERSUS

RPS Infrastrucure LimitedRESPONDENT(S)

Hearing: 10th

3. COMPLAINT NO. 182 OF 2022

Ashwani Mittal ...COMPLAINANT(S)

VERSUS

RPS Infrastrucure LimitedRESPONDENT(S)

Hearing: 4th

CORAM: Nadim Akhtar

Member

Dilbag Singh Sihag

Member Chairman

Date of Hearing: 27.10.2022

Present: - Ms. Garima, and Ms. Rupali Shekhar Verma Ld. counsel for complainant in complaint no. 438/18 through VC.
None for the complainant in complaint no. 787/2020
Mr. Ashish Chaudhary, Ld. Counsel for the complainant in complaint no. 182/2022 through VC
Mr. Tarun Singla and Ms. Manpreet Khurana, Ld. Counsel for the respondent in all complaints.

ORDER (DILBAG SINGH SIHAG-MEMBER CHAIRMAN)

1. Captioned complaints have been taken together as a bunch since grievances and reliefs of these complaints are identical more or less and relate to the same project of the respondent. Complaint no. 438/2018 titled Ritu Nanda vs. RPS Infrastructure Limited has been taken as a lead case.
2. Today, Mr. Ashish Chaudhary, Ld. counsel for the complainant in complaint no. 182 of 2022 requested Authority to allow complainants to visit project site for inspection and also take photographs of site to update Authority with regard to construction status. Request accepted, allowing all the complainants to visit site with a direction to give atleast three days' notice to the respondent before undertaking inspection. They are also allowed to take photographs if they desire so to update completion status of project. Further, complainant-allottees may pin point deficiencies, if any they may like to point out and convey such deficiencies to the respondent in writing. Respondent-promoter is also directed to issue fresh statement of accounts in favour of

complainant-allottees incorporating receivable and payable amounts as per Rule 15 of HRERA Rules, 2017.

3. Ld. counsel of the respondent submitted while submitting his pleadings that application for Occupation Certificate has already been submitted by the respondent-promoter with regard to Tower no- 4 and 5 on 05.08.2022. DTCP, Haryana has also taken into consideration said application. But till date, project site of the respondent has not been inspected by any representative of the Town and Country Planning Department, Haryana. Possession of units in said towers will be offered to allottees on receipt of occupation certificate by the respondent-promoter.

4. After hearing both parties, Authority directs respondents to issue latest statement of accounts to each complainant showing distinctly payables and receivables especially highlighting delay interest from deemed date of possession till 31.12.2022 as per provisions of Rule 15 of HRERA Rules, 2017. Respondent however, will be entitled to claim balance consideration amount, if any, against any complainant-allottee. Further, if any delay interest is being imposed by the respondents on account of delay payment by allottees, that should be calculated as per provision under Rule 15 of the HRERA Rules, 2017. Further, allottees are also entitled to upfront delay interest from deemed date of possession till offer of legally valid possession by the respondents as and when he gets occupation certificate from the competent Authority and monthly interest thereafter till actual legally valid delivery of possession of unit as per Rule 15 of HRERA Rules, 2017.



Interest shall be calculated by Accounts Branch of Authority as per SBI MCLR
+2%.

6. With such directions, cases are adjourned to 12.01.2023



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NADIM AKHTAR
(MEMBER)



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DILBAG SINGH SIHAG
(MEMBER CHAIRMAN)

