



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 543 OF 2022

M G Housing Pvt. Ltd.

...COMPLAINANT(S)

VERSUS

Ganga Shiv Pandey

....RESPONDENT(S)

**CORAM: Rajan Gupta
Dilbag Singh Sihag**

**Chairman
Member**

Date of Hearing: 20.07.2022

Hearing: 1st

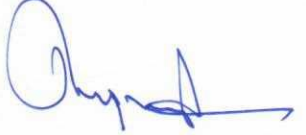
**Present: Ms. Ritika Garg, ld. counsel for complainant.
None for respondent.**

ORDER (RAJAN GUPTA - CHAIRMAN)

1. Present complaint has been filed by promoter 'MG Housing' after being aggrieved by the fact of non-payment of due installments by respondent-allottee.
2. Case of complainant-promoter is that respondent booked a residential flat in the project of complainant namely 'Mulberry County', village mujeri, sector 70, Faridabad, Haryana. Flat Buyers Agreement was executed between the parties on 27.08.2019. Respondent-allottee was allotted Flat No D-1201 admeasuring 1075 sq. ft. for total sales consideration of Rs. 37,81,088/-. Complainant has paid only booking amount of Rs. 2,00,000/-. Thereafter complainant-promoter had sent various demand letters to respondent which went unanswered. Thereupon, complainant cancelled respondent's allotment and forfeited the booking amount as per clause 3.9 of FBA.

3. Authority observes that respondent-allottee was allotted a residential unit in the project of complainant on 30.07.2019. Respondent paid Rs. 2,00,000/- as booking amount. Thereafter various demand letters were issued by the complainant-promoter to respondent promoter for making payment, but no further payments were made by respondent-allottee. Thereupon, complainant-promoter cancelled respondent's allotment on 22.06.2020 and forfeited paid amount as per clause 3.9 of BBA. Copy of cancellation letter is annexed as Annexure P-8 of complaint file. Now complainant promoter has filed present complaint after the lapse of 2 years seeking relief of execution of cancellation deed. However, fact remains that complainant has already cancelled the allotment and forfeited the booking amount as per BBA. So, relief sought by complainant-promoter in the complaint has already been availed by him two years back. No legal remedy remains to be granted by Authority for the reason that complainant had already taken action against respondent. For this reason, it is observed that complaint is not maintainable.

4. Case is **disposed of as not maintainable**. File be consigned to record room.


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RAJAN GUPTA
[CHAIRMAN]


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DILBAG SINGH SIHAG
[MEMBER]