



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1217 OF 2020

Seema Jain

...COMPLAINANT.

Versus

AMI Prabhu Developers Pvt Ltd.

...RESPONDENT.

CORAM:

**Rajan Gupta
Dilbag Singh Sihag**

**Chairman
Member**

Date of hearing: 26.07.2022

Hearing: 3rd

Present: - Mr. Sushil Kumar Malhotra . Ld.Counsel for the complainant
None for the respondent

ORDER: (DILBAG SINGH SIHAG-MEMBER)

1. While pursuing case file, it is observed that complainant booked a 2 BHK built up residential flat in 05.09.2013 in the project 'AMI PDM Greens' of the respondent situated in Sector 3A, Sarai Aurangabad, Bahadurgarh, District Jhajjar, Haryana. At the time of booking, complainant paid an amount of Rs. 4,00,000/- to the respondent and also on 01.02.2014 paid an amount of

Rs. 4,00,000/-. Complainant has paid Rs. 8,00,000/- till date for allotment of 1250 sq. ft. apartment. Receipts dated 05.09.2013 and 01.02.2014 have been annexed at page 16 and 18 of the complaint file respectively.

2. Even after receiving Rs. 8,00,000, no formal agreement was entered between the parties nor any allotment was made in favour of the complainant. No construction activities at all were carried out by respondents. On 08.02.2019, respondent sent a letter calling complainant to settle the matter stating that they are close to achieving the process of allotment. On 10.09.2022, complainant received another letter from the respondent whereby complainant was again requested to visit the project site and complete the formalities for allotment of plot/flat with the builder by entering into an agreement. Complainant claims that since there has been considerable delay already taken place, now he is no more interested in the unit and wants to get a refund from the respondent. As no refund has been processed till date, complainant filed this present complaint praying for relief of refund.

3. Notice to the respondent was successfully delivered on 10.11.2020 but no reply has been filed till date. Initially, this matter was first taken up for consideration on 12.01.2021 and then on 02.03.2021 but since then it could not be heard as Authority had not been hearing the matters in which relief of refund was sought for the reasons that its jurisdiction to deal with such matters was subjudice before Hon'ble Supreme Court.

4. Now the position of law has changed on account of verdict dated 13.05.2022 passed by Hon'ble Supreme Court in SLP Civil Appeal no. 13005 of 2020 titled as M/s Sana Realtors Pvt Ltd vs Union of India & others whereby special leave petitions have been dismissed with an observation that relief that was granted in terms of paragraph 142 of the decision in M/s. Newtech Promoters & Developers Pvt. Ltd. v. State of UP & Others, reported in 2021 (13) SCALE 466, in rest of the matters [i.e. SLP © No.13005 of 2020 Etc.) disposed of on 12.05.2022 shall be available to the petitioners in the instant matters.

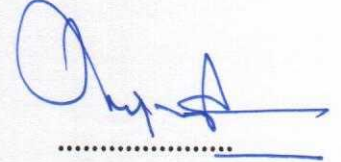
5. Consequent to the decision of above referred SLPs, the issue relating to the jurisdiction of Authority stands finally settled. Accordingly, Authority hereby proceeds to deal with this matter on its merits.

6. Authority has gone through the submissions of the complainant and it observes that this project is an unregistered project. Analysing the records of Department of Town and Country Planning, Haryana reveals that this project of the respondent was not even licensed and hence an unauthorised colony. Complainant has invested his money in an unauthorised colony which has not been licensed by any state government authority. By investing in this illegal colony, complainant has become a party to unauthorised development of colony. Authority will not deal with complaint against unlicensed projects. The



complainant however is at liberty to seek redressal of his grievance from the competent authority or court as per law.

7. **Disposed of as Dismissed.** File be consigned to record room after uploading of order on the website of the Authority.



RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SIHAG
[MEMBER]

