



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1019 OF 2020

Devender Singh HUF

....COMPLAINANT

VERSUS

Ansal Properties & Infrastructure Pvt. Ltd.

....RESPONDENT

CORAM:

**Rajan Gupta
Dilbag Singh Sihag**

**Chairman
Member**

Date of Hearing: 26.07.2022

Hearing: 15th

Present through video calling: -

Adv. Vikasdeep, learned counsel for
the complainant

Sh. Ajay Ghangas, learned counsel for
the respondent

ORDER (RAJAN GUPTA-CHAIRMAN)

1. Complainant's case is that he had booked a residential unit admeasuring 1100-1200 sq. ft. in respondent's project "Ansal Sushant City", Sonapat in the year 2005 by paying an booking amount of ₹ 2,50,000/-. Total sale consideration of the flat was Rs. 1450/- per sq.ft. Complainant has paid an amount of Rs. 3,30,890/-. In support of the amount paid, annexure A-C has been attached, whereby receipts issued by respondent-promoter have been given. He further submitted that respondent issued a letter dated 24.07.2006, whereby flat bearing no. 040703 was allotted to him. Complainant stated that even after receiving an amount of Rs. 3,30,890/-, respondent has failed to execute builder buyer agreement. Learned counsel for complainant apprised the Authority that after enquiries complainant come to know that respondent has received the amounts without obtaining license for the project from department concerned. Now, after waiting for fifteen years and considering that no development has taken place at the project site, complainant has filed present complaint seeking relief of refund of paid amount along with permissible interest.
2. On the other hand, respondent in his reply denied averments made by complainant. He stated that complainant was allotted a flat bearing no. 040703 in Sunshine County after obtaining license from concerned department in the year 2006. After completion of the project, occupation



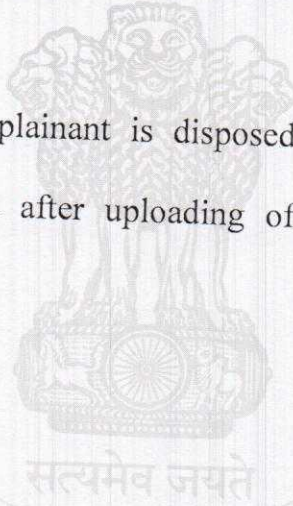
certificate of the project was received on 31.01.2011 and 31.08.2011. Therefore, allegations of complainant that respondent has received money without obtaining licence from competent Authority does not hold any ground. Further, learned counsel for respondent argued that various demand letters were issued to complainant but none of them were replied. Therefore, in view of the fact that complainant had failed to pay demanded dues to the respondent, his allotment was cancelled vide letter dated 28.04.2009. In support his contention, respondent refers to Annexure -R1 of the reply. Further that as allotment was cancelled way back in year 2009, now, after gap of eleven years, present complaint is time barred. Hence, not maintainable.

3. After hearing both parties and going through record, Authority observes that complainant had booked a flat in year 2005 and admittedly he had paid an amount of ₹ 3,30,890/- to the respondent in the year 2006, as per receipts attached in complaint book. Further fact remains that even after receiving said amount no builder buyer agreement has been executed between the parties, Authority is at loss to understand terms and conditions agreed between the parties at the time of allotment. Further, as per statement given by learned counsel for respondent, due to non-payment of pending dues by complainant, respondent had cancelled his allotment in year 2009, as per letter attached with the reply. Accordingly, present complaint is time barred and hence not maintainable.

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Authority, after perusing all documents, agrees with the contentions of the respondent for the reason that complainant has failed to show any correspondence in respect to the allotment from the year of 2009 till date between him and respondent. After making payment of 3,30,890/- to respondent, complainant did not respond to the demand letters or even cancellation letter issued to him. As complainant has not placed any document that shows that any effort was made by him in respect of the allotment, Now, after gap of eleven years complainant cannot pray for refund of the amount paid as his claim is barred by limitation in the eye of law.

Therefore, this complainant is disposed of as **dismissed**. File be consigned to record room after uploading of this order on website of Authority.



RAJAN GUPTA
[CHAIRMAN]

DILBAG SINGH SIHAG
[MEMBER]