



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

## 1. COMPLAINT NO. 512 OF 2022

Nandini Yadav .....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

## 2. COMPLAINT NO. 268 OF 2022

Prag Gupta .....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd. ....RESPONDENT

**CORAM:**                 **Rajan Gupta**                                 **Chairman**  
                                  **Dilbag Singh Sihag**                                 **Member**

**Date of Hearing:** 26.07.2022

**Hearing:**                 3<sup>rd</sup> (in both complaints)

**Present: -**                 Ms. Preeti Taneja, learned counsel for the complainants  
                                  through VC (in complaint no. 512 of 2022)  
                                  Mr. Sukhbir Singh Chauhan, learned counsel for the  
                                  complainants through VC (in complaint no. 268 of 2022)

Mr. Sourabh Goel, learned counsel for the respondents through VC (in all complaints)

**ORDER (RAJAN GUPTA - CHAIRMAN)**

1. Captioned complaints are taken up together as facts and grievances of both complaints are more or less identical and relate to the same project of the respondent situated at Sector-89, Faridabad. Complaint no. 268 of 2022 titled "Prag Gupta Vs M/s Ferrous infrastructure Pvt. Ltd." has been taken as lead case for disposal of the matters.

2. The captioned complaints have been filed by complainants seeking relief of refund of the paid amounts along with interest as applicable as per rules for having caused delay in offering possession.

3. Brief facts as averred by complainant are that he booked an apartment in the project promoted by respondents in the year 2006. An allotment letter dated 20.06.2007 was issued vide which flat No. 402, Tower Block-K with 1412 sq. ft. super area, on 4<sup>th</sup> floor was allotted to the complainant. Flat Buyer Agreement was executed on 20.05.2008. Complainant claims to have already paid Rs. 28,82,238/- against total sales consideration of Rs. 29,07,384/- and basic selling price of Rs. 19,76,800/-.

It is pertinent to mention here that complainant in a table, on page 10 and 11 of complaint book on serial no. 17 has specified an amount of Rs. 26,940/- but no receipt no. is stated w.r.t. this particular amount. Proof of making payments has been annexed as annexure D to the complaint, which totals out to be



28,55,298/. Therefore, amount paid by complainant in case of complaint no. 268 of 2022 is taken as 28,55,298/- .

4. Learned counsel for complainants requested for disposal of both these complaints in terms of orders of the Authority passed in Complaint no. 762 of 2018 titled as Rakesh Kumar Versus M/s Ferrous Infrastructure Private Limited and Others.

5. Upon re-examination of facts, the Authority is satisfied that the issues and controversies involved in present complaints are of similar nature as bunch of cases with lead case **Complaint No. 762 of 2018** titled as **Rakesh Kumar Versus M/s Ferrous Infrastructure Private Limited and Others**. Therefore, captioned complaints are disposed of in terms of the order passed by Authority in Complaint no. 762 of 2018. Relevant portions of **Complaint no. 762 of 2018** titled as **Rakesh Kumar versus M/s Ferrous Infrastructure Private Limited and Others** is reproduced below :-

“ 13. In view of above captured facts and circumstances and finding in lead complaint case No.826 of 2018 the project does not appear feasible to be completed within foreseeable period of time, because the licences needs to be bifurcated; liability towards pending EDC, IDC and other charges towards the state Government needs to be discharged; building have to be made structurally safe; unauthorised construction may have to be either regularised or demolished as per policy of the State Govt; and pending construction works including infrastructural works have to be completed without fulfilling these requirements, the project will not be granted



occupation Certificate by the state Government. Needless to add that inter-se disputes amongst the partners companies also have to be resolved. These are tough and time-consuming tasks with uncertain outcome.

Regarding the arguments of the respondent that relief of refund cannot be granted because the same has not been asked for, it is observed that even though most of the complaints have not sought the relief of refund of the money, but the Authority, in view of the explained facts and circumstances, is not in a position to grant them the demanded relief of possession of apartments within a specified time frame. Therefore, alternate reasonable relief becomes admissible. Accordingly, the only feasible relief that can be given to the complainants is to refund the amounts paid by the complaints to the respondent along with interest calculated in accordance with Rule 15 of the HRERA Rules. This interest shall be calculated from the dates of payments made by the complainants up to the date of uploading of this order on the website of the Authority.

14. Those complainants who do not wish to get refund of the money and instead they wish to get possession of their apartments, they may wait till all the problems are resolved and project is completed, thereafter they will be offered possession of the apartments along with compensation in accordance with principal laid down in Complaint no. 113 of 2018, titled as Madhu Sareen Versus BPTP and complaint no. 49 of 2018, titled as Prakash Chand Arohi Versus M/s Pivotal Infrastructure Pvt. Ltd.”

11. Authority accordingly orders refund of the money paid by all the complainants along with interest @ 9.8 % as shown in the table below-

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SR. NO.	COMPLAINT NO.	DATE OF AGREEMENT	TOTAL AMOUNT PAID BY THE COMPLAINANT AS PER RECEIPTS PLACED ON RECORD (In Rs.)	INTEREST (In Rs.)	TOTAL AMOUNT TO BE REFUNDED BY RESPONDENT (In Rs.)
1.	268/2022	20.05.2008	28,55,298/-	36,12,832/-	64,68,130/-
2.	512/2022	BBA not provided	10,77,800/-	16,15,772/-	26,93,572/-

Respondents shall refund the money along with interest within period prescribed in Rule 16 of the RERA Rules of 2017.

12. **Disposed of.** Files be consigned to the record room after uploading of this order on the web portal of the Authority.

  
 RAJAN GUPTA  
 [CHAIRMAN]

  
 DILBAG SINGH SIHAG  
 [MEMBER]