



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1210 OF 2020

V. K. Bhatia

...COMPLAINANT(S)

VERSUS

Global Land Masters Infratech Pvt. Ltd.

....RESPONDENT(S)

CORAM: Rajan Gupta

Chairman

Dilbag Singh Sihag

Member

Date of Hearing: 09.08.2022

Hearing: 4th

Present: Mr. Pujit Gumber, Proxy counsel for complainant.

None for respondent.

ORDER (RAJAN GUPTA - CHAIRMAN)

1. Complainant alleges that he had booked a residential flat in the project of respondent namely "Bhoomi Greens, Sector 30, Panchkula" by making payment of Rs. 10,00,000/- on 20.09.2010. Complainant in paragraph 4 of his complaint has stated that respondent issued two receipts in respect of the payment made of Rs. 5 lacs each, both dated 20.09.2010. Respondent has not issued any allotment letter, neither executed any agreement for sale or any other documents. In paragraph 7 complainant has stated that despite many enquiries made by him, no information regarding status of the project was given by

respondent, therefore, he is no more interested in the project of respondent and is seeking refund of paid amount along with interest.

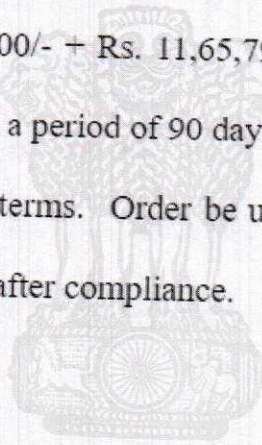
2. Today is fourth hearing in the matter. As per office record notice was successfully delivered to respondent on 03.11.2020, but respondent has not filed reply till date. Vide order dated 22.04.2022, respondent was directed to file its reply a week before the next date of hearing. Despite availing several opportunities respondent has neither filed reply nor argued his case by appearing before Authority. Therefore, authority has decided to proceed ex-parte and decide the case on the basis of available facts.

3. After going through facts and circumstances of the case, Authority observes that complainant claimed to have made booking of a unit in respondent's project namely "Bhoomi Greens" but on perusal of the payment receipts issued by respondent to complainant i.e., receipt no 1119 (Annexure - C 3) and receipt no. 1058 (Annexure C 4) shows that payment of Rs. 10 lacs was made in respect of a 'proposed project' of M/s Global Land Masters Pvt. Ltd. Further, respondent has neither allotted any unit in any specified project nor any Builder Buyer Agreement was executed. Meaning thereby, respondent had illegally kept money of complainant and utilised it for more than ten years without any reasonable justification. Aggrieved by the same complainant wants refund of the amount deposited. In view of the facts stated, a case is clearly made out to allow relief of refund as sought by complainant. Therefore, as per

provisions of Section 18 of the Act, relief of refund with interest as sought by the complainant deserves to be granted.

4. Hence, Authority directs respondent to refund the complainant the amount paid by him along with interest at the rate prescribed in Rule 15 of Haryana Real Estate (Regulation and Development) Rules, 2017 i.e at the rate of SBI highest marginal cost of lending rate(MCLR)+ 2 % which as on date works out to 9.80% (7.80% + 2.00%) from the date amounts were paid till today. Accordingly, total amount along with interest calculated at the rate of 9.80% works out to 11,65,797/-. Total amount payable to complainant works out to be Rs. 21,65,797/- (Rs. 10,00,000/- + Rs. 11,65,797/-). Respondent is directed to pay calculated amount within a period of 90 days to the complainant.

5. **Disposed of** in above terms. Order be uploaded on the website and file be consigned to record room after compliance.



सत्यमेव जयते

Panchkula

RAJAN GUPTA
[CHAIRMAN]

DILBAG SINGH SIHAG
[MEMBER]