



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

**COMPLAINT NO. 700 OF 2020**

C.L. Verma

....COMPLAINANT(S)

VERSUS

M/S Parsvnath Developers Ltd.

....RESPONDENT(S)

**CORAM:**

**Rajan Gupta  
Dilbag Singh Sihag**

**Chairman  
Member**

**Date of Hearing:** 16.08.2022

**Hearing:** 5<sup>th</sup>

**Present: -** Mr. Arun Sharma, counsel for the complainant through video conference

Ms. Rupali S. Verma, counsel for the respondent through video conference

## **ORDER (RAJAN GUPTA - CHAIRMAN)**

1. Facts of complainant's case are that in August 2008 complainant booked a shop bearing no. GF-126 admeasuring 287 sq.ft. in a

project named 'Parsvnath City Centre, Sonapat' being developed by respondent. Allegedly shop buyer agreement was executed between the parties which is annexed as Annexure-1 with the complaint, however, on perusal of said agreement it is revealed that it is not signed by any of the party nor any date of its execution has been mentioned.

Complainant has alleged that basic sale price of shop was ₹18,51,150/-. In accordance with the payment plan, complainant by the year 2009 had paid a total amount of ₹6,50,000/-. Complainant has annexed copies of payment receipts at pages 43-45 of the complaint. It has been contended that respondent was under an obligation to complete construction of the project and hand over possession of the shop within a period of 36 months with grace period of 6 months i.e. by January 2012, but respondent has failed to do so. Complainant visited the site in 2017 but was shocked to see that even bare structure of the project was not in place and there was no progress at all. Complainant then served a representation upon the respondent on 29.03.2019 but no response was received from respondent. Complainant alleges that the project is far from completion. No offer of possession has been made despite lapse of more than 13 years from the date of booking. Since there is no hope of completion of the project, complainant has prayed for relief of refund along with applicable interest.

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2. Reply has not been filed by respondent. Learned counsel for respondent stated that respondent is not in a position to hand over possession of the shop to the complainant

3. Learned counsel for the complainant verbally stated that respondent has utilized the hard earned money of complainant for several years but has failed to either hand over the possession of the shop or to refund the amount paid by complainant along with interest. So, he prayed that respondent may be directed to refund the amount paid by complainant along with interest.

4. Authority has gone through contentions of both parties and the documents placed on record. It is observed that this project is already delayed by several years. It is still not complete and admittedly respondent has abandoned the project and is not in a position to complete the project in foreseeable future, therefore, Authority finds it to be fit case for allowing refund in favour of the complainant. Therefore, as per provisions of Section 18 of the Act, relief of refund as sought by the complainant deserves to be granted. Hence, Authority directs respondent to refund the complainant his entire amount of ₹6,50,000/- 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 10% (8.0% + 2.00%) from the date amounts were paid till today.



5. Authority has got calculated the interest payable to the complainant and accordingly total amount payable to the complainant including interest calculated at the rate 10% is depicted in table below:

S.No.	Principal Amount	Date of payment	Interest Accrued till 16.08.2022	TOTAL AMOUNT PAYABLE TO COMPLAINANT
1.	₹5,50,000/-	07.08.2008	₹7,71,959/-	₹13,21,959/-
2.	₹1,00,000/-	29.09.2009	₹1,28,904/-	₹2,28,904/-
<b>Total</b>	<b>₹6,50,000/-</b>		<b>₹9,00,863/-</b>	<b>₹15,50,863/-</b>

Respondent is directed to make the entire payment of ₹15,50,863/- to the complainant within 90 days from the date of uploading of this order, as provided in Rule 16 of Haryana Real Estate (Regulation & Development) Rules, 2017.

6. Complaint is, accordingly, **disposed of**. Files be consigned to the record room and order be uploaded on the website of the Authority.

  
 RAJAN GUPTA  
 [CHAIRMAN]

  
 DILBAG SINGH SIHAG  
 [MEMBER]