



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 49 OF 2021

Priyanka Gupta

....COMPLAINANT(S)

VERSUS

SRC Buildtech Pvt. Ltd.

....RESPONDENT(S)

CORAM: Rajan Gupta
Dilbag Singh Sihag

Chairman
Member

Date of Hearing: 09.08.2022

Hearing: 4th

Present through video call: - Sh. Denson Joseph, learned counsel for the complainant.

Sh. Vineet Sehgal, learned counsel for the respondents.

ORDER (DILBAG SINGH SIHAG- MEMBER)

1. While perusing case file, it is observed that on the last date of hearing, case was adjourned on the request of both parties as settlements talks were going on between parties. Today, Learned counsel for the respondents Sh. Vineet sehgal apprised the Authority that no settlement has been arrived at. Therefore, case be decided on its merits.

2. While initiating his pleadings, learned counsel for the complainant submitted that complainant had booked one industrial plot bearing no. P04/01 admeasuring 1043 sq.yrds in respondent's project "SRC Industrial Park", Palwal on 24.01.2013. Complainant alleged that within a month after booking, respondent has increased the area of the plot to 1060.53 sq.yrds and thereafter respondent had sent various demand letters in accordance to the increased area. Complainant has alleged that he had paid an amount of Rs. 30,53,000/- to respondent. As evidence of paid amount, complainant has annexed receipts issued by respondent at page no 40-43 of complaint book. Counsel for the complainant argued that even after receiving substantial amounts from the complainant, respondent has not executed the builder buyer agreement till date. In para (j) of the complaint, complainant alleged that respondent had promised to deliver possession within 12 months along with grace period of three months from the date of booking, which comes to i.e. 04.04.2014.

Learned counsel for the complainant further stated that there was no possibility of getting the project completed in near future. Complainant has sought relief of refund along with permissible interest as per Rule 15 of HRERA Rules, 2017 on account of inordinate delay of over nine years and no hope of its completion in near future. He prays that total paid amount of Rs. 30,53,000/- given to the respondent may be refunded along with permissible interest.



3. On the other hand, respondent had filed short reply on 01.03.2021 in registry of Authority, whereby he has raised mostly technical objections like complaint is not maintainable; Authority does not have jurisdiction to hear the complaint etc. Further, respondent on last date of hearing had sought time to place on record some relevant documents, which he has failed to do so.

4. After hearing both parties and going through record, Authority observes that today is the fourth hearing and this matter was heard on 31.03.2021, 08.03.2022, 06.05.2022. Each time respondent was given opportunity to file detailed reply but he has failed to do so. Now, Authority has decided to dispose the captioned complaint on the basis of available facts.

Admittedly complainant had booked plot in respondent project in the year 2013 and had paid an amount of Rs. 30,53,000/- as proved by complainant with requisite documents in para 1 of this order. Further, complainant has alleged that project in question is not being developed by the respondent till date and inordinate delay of nine years have already been caused. Complainant submitted that he is no more interested in possession of booked unit as delay of nine years has already been caused. Therefore, complainant has sought relief of refund under section 18 of HRERA ACT, 2016 along with permissible interest as per rule 15 of HRERA Rules, 2017.

On the other hand, respondent had miserably failed to prove his case as no documents has been placed on record by respondent with regard to



construction or development going on the project site. So, in absence of substantial documents Authority is one with the view of complainant that project is not complete.

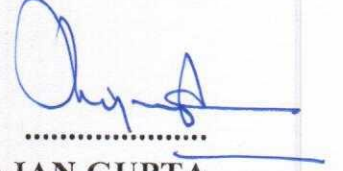
After perusal of above facts, it could be concluded that complainant had paid an amount of Rs 30,53,000/- to the respondent. However, respondent even after receiving substantial amount has neither delivered the possession of the booked plot nor has refunded the paid amount to the complainant. Authority is of the considered view that now after delay of nine years, complainant cannot be forced to wait for endless period.

Considering foregoing ground of relief claimed by complainants i.e. refund of the amount paid by them to the respondents along with interest in terms of Rule 15 of RERA, Rules, 2017 deserves to be granted from respective dates of making payments till passing of this order.

5. Respondent are directed to refund an amount of ₹ 30,53,000/- paid by the complainant to the respondents along with interest @ Rule 15 of RERA, Rules, 2017 from respective dates of making payments till passing of this order. Authority has got the interest calculated, which works out to ₹ 30,89,059/-. This interest has been calculated from the date of making payments by the complainant upto the date of passing of this order i.e. 09.08.2022 at the rate of 7.80 plus 2%= 9.8%. Respondent shall pay ₹ 61,42,059/- (30,53,000/-+ ₹ 30,89,059/-) to the complainant within a period

prescribed under Rule 16 of HRERA Rules i.e. 90 days from the date of uploading of the order on the website of the Authority.

Disposed of. File be consigned to the record room after uploading of this order on the website of the Authority.



RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SIHAG
[MEMBER]

