



Complaint no. 676 & 747 of 2021

## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### 1. COMPLAINT NO. 676 OF 2021

Randhul Singh Sandhu

....COMPLAINANT(S)

VERSUS

Housing Board Haryana

....RESPONDENT(S)

### 2. COMPLAINT NO. 747 OF 2021

Dayanand Dahiya

....COMPLAINANT(S)

VERSUS

Housing Board Haryana

....RESPONDENT(S)

**CORAM:**

**Rajan Gupta**

**Chairman**

**Dilbag Singh Sihag**

**Member**

**Date of Hearing:**

11.05.2022

**Hearing:**

5th

**Present:**

Mr. Uttam Singla, Counsel for the complainant

Mr. V. P Singh, Counsel for the respondent.

**ORDER (RAJAN GUPTA-CHAIRMAN)**

Captioned complaints have been taken up together as grievances and facts of the matters are identical and against the same project of respondent. Taking complaint no 676 of 2021 titled "Randhul Singh Sandhu Vs Housing Board Haryana" as lead case, facts averred are that complainant had applied for allotment of a Type-A flat in the project of respondent being developed at Sectore-28, Pinjore on 28.06.2014 by depositing an amount of Rs 2,27,000/-. Vide draw of lots held on 29.12.2014 complainant was declared a successful applicant. An allotment letter dated 21.01.2015 was issued in favour of complainant. By the year 2015 complainant had deposited an amount of Rs 5,68,000/- for the booked unit with the respondent. However, vide letter dated 17.02.2018, respondent informed the complainant that project in question could not be developed due to some technical reasons, and further sought approval of complainant to shift their booking for Type A or B flats in a different project situated at Sector -31, Panchkula. After complainant gave his approval, second draw of lots for shifting of applicants from Sector 28, Pinjore to Sector 31, Panchkula for Type A flats, was held on 10.09.2019 in which complainant was not successful. Respondent then sought willingness of complainant to shift to Type B flats. Complainant was not interest in Type B flats and did not give his consent for the same. In such circumstances, complainant has filed present complaint seeking relief of refund of deposited amount along with interest.



2. Learned counsel for the complainant further argued that respondent has retained an amount of approx Rs. 5,36,000/- for more than five years without even acquiring land at Pinjore. Thus he prayed that directions may be issued to respondent to refund the paid amount of Rs. 5,36,000/- alongwith permissible interest as per provision of Rule 15 of HRERA Rules 2017.

3. On the other hand, respondent in its written submissions pleaded that as per planning, flats were planned to be ready for allotment by 28.02.2017, however, due to technical reasons, construction of the project could not be started. The respondent authority however, has already started process of refund of the deposited amount to the applicants. Complainant in this case had requested for refund on 19.01.2021.

Mr. V. P Singh, learned counsel for respondent further confirmed that since the project could not take shape, respondent board has already started the process for refund of amount deposited by various applicants. As complainant has already filed an application before respondent seeking refund, his application will be processed in due time. In the light of above facts, present complaint is not maintainable.

4. In view of above submissions, Authority observes that complainant in present complaint had booked a flat in the project of the respondent, and against said booking had deposited an amount of approx Rs 5 lakh with the respondent by the year 2015. As per submission of respondent construction of



said project could not be started due to some technical reasons. Even after giving his approval to shift to another project of the respondent situated at Sector-31, complainant was unable to take possession of suitable flat. It is submitted that respondent board has begun the process to refund paid amount to all applicants due to failure in developing the project in question. However, respondent has failed to produce on record any document pertaining to complainant in particular from which it could be ascertained that process for refund of paid amount has formally been initiated. Therefore, Authority deems it fit to issue directions to the respondent Housing Board Haryana to refund the amount paid by complainant alongwith delay interest calculated in terms of Rule 15 of HRERA Rules 2017 i.e at the rate of SBI MCLR + 2 % .

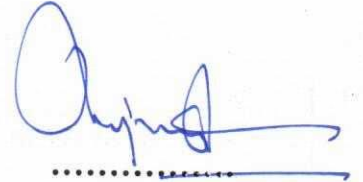
5. In complaint no. 676 of 2021, complainant had deposited an amount of Rs 5,68,000/- with the respondent. The amount of interest payable to the complainant has been calculated at the rate of 9.40% and same works out to Rs 3,99,477/- Therefore, respondent is directed to pay an amount of Rs 9,67,477/- as refund of deposited money alongwith interest to the complainant.

6. In complaint no. 747 of 2021, complainant had deposited an amount of Rs 5,68,000/- with the respondent. The amount of interest payable to the complainant has been calculated at the rate of 9.40% and same works out to Rs 4,02,722/- . Therefore, respondent is directed to pay an amount of



Rs 9,70,722/- as refund of deposited money alongwith interest to the complainant.

7. With above directions, cases are disposed of. Order be uploaded on the website of Authority and files be consigned to record room.



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**RAJAN GUPTA**  
**[CHAIRMAN]**



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**DILBAG SINGH SIHAG**  
**[MEMBER]**

