



Complaint no. 623 of 2021

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 623 OF 2021

Shalini Chhabra

....COMPLAINANT(S)

VERSUS

Haryana Shehri Vikas Pradhikaran

....RESPONDENT(S)

CORAM: **Rajan Gupta**
Dilbag Singh Sihag

Chairman
Member

Date of Hearing: 07.04.2022

Hearing: 3rd

Present:- Mr. Abhay Jain, Learned counsel for the complainant
Mr. Arvind Seth, Learned counsel for the respondent.

ORDER (DILBAG SINGH SIHAG-MEMBER)

Complainant had booked a plot in the project of the respondent situated at Sector-78, Faridabad in the year 2016. Tentative price of the plot was Rs 1,23,18,075/- against which complainant had paid an amount of Rs 11,73,200/- by 2016. Allotment letter was issued to the complainant on 09.08.2016 with a demand of Rs 19,06,319/- . As per said allotment letter possession of the unit was to be delivered by the year 2019.

2. Learned counsel appearing on behalf of complainant submitted that after receiving said allotment , complainant sent a letter dated 13.08.2016

to Administrator, HUDA, Faridabad seeking details of PAN of HUDA for depositing 1% TDS as per rules for buying a property above Rs 50 Lakh. Subsequently complainant wrote various letters to the department for the same. After two years, respondent informed complainant about the PAN details vide letter dated 12.11.2018. Thereafter, complainant through several representations annexed at page 57(colly) of the complaint book requested the Administrator, HUDA, Faridabad to reschedule the instalments that is to be paid by the complainant, as delay in depositing the amount had been on account of lapses on the part of respondent authority. Till date, respondent has not rescheduled the instalments to be paid by the complainant. Further, respondent has not provided the complainant with correct User Id and password of the plot allotted to the complainant to enable her to make payments. Thus, this complaint seeking directions to respondent to reschedule instalments and provide the complainant with correct User ID and password.

2. On the other hand, respondent in its written submissions pleaded that the project in question has already been completed and allotment letter were issued to various allottees for making balance payments. Accordingly complainant was also issued an allotment letter on 09.08.2016 and as per condition no. 5 of said letter, complainant had to pay an allotment price of Rs 19,06,319/- within 30 days i.e on or before 07.09.2016. But, complainant failed to adhere to said condition rather sent a letter requesting details of PAN of answering respondent. Even though there is no provision of providing details


PAN to the allottees for depositing the instalments, complainant vide letter dated 25.04.2017 annexed as Ax-R1 was informed to contact Accounts Branch for relevant information but she did not visit the office of respondent. Complainant has already been provided with User Id and password and further details of PAN. But, complainant failed in depositing the allotment price of the plot as per terms of allotment letter dated 09.08.2016. Therefore, allotment of plot in question was cancelled. Said plot has rightly been cancelled as complainant failed to deposit the statutory amount as prescribed in conditions of allotment letter. As the plot has already been cancelled, present complaint is liable to be dismissed.

3. Considering submissions of both parties, Authority observes that as per the conditions of allotment letter dated 19.08.2016 complainant was bound to make timely deposit of requisite payment within 30 days i.e on or before 07.09.2016. However, complainant failed to make said payment. It is apparently clear that there is no provision where respondent (HUDA/HSVP) is required to apprise allottees with PAN Details for making payments. Arguments put forth by learned counsel for complainant in regard to requirement of PAN details are found to be frivolous and without any merits, thus Authority is unable to accept the same. So, on the basis of this arguments , this case holds no merit. Therefore, present complaint is dismissed. If any other grievance arises, complainant is at liberty to approach the Authority afresh.



4. Regarding the amount of Rs 11,73,200/- paid by the complainant , if not returned, respondent will refund the amount along with interest calculated in terms of Rule 15 of HRERA Rules 2017 i.e at the rate of SBI MCLR + 2% (9.30%) from date of deposit till date of this order.

5. With these observations, case is disposed of. Files be consigned to record room and order be uploaded on website of Authority.



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RAJAN GUPTA
[CHAIRMAN]



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DILBAG SINGH SIHAG
[MEMBER]