



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 3013 OF 2019

Rajnee Agroils Lmtd

....COMPLAINANTS

VERSUS

Ansal Properties and Infrastructure Pvt. Ltd.

....RESPONDENT

**CORAM: Rajan Gupta
Dilbag Singh Sihag**

**Chairman
Member**

Date of Hearing: 01.06.2022

Hearing: 5th

Present through video call: - Sh. Chaitanya Singhal, learned counsel for the complainant

Sh. Ajay Ghangas, learned counsel for the respondent.

ORDER (RAJAN GUPTA- CHAIRMAN)

1. Initiating his pleadings learned counsel of complainant submitted that complainant had booked SCO bearing no.07, in Block-C admeasuring 63.55 sq.meters. in respondent's project "Ansal Sushant City", Kurukshetra on 19.08.2011. Total Sale consideration of the flat was Rs. 24,73,621/- , against which complainant has already paid an amount of Rs. 16,07,854/-. In support of

the amount paid, he referred to Annexure P- 3 at page no 38-39 of complaint book, wherein statement of account issued by respondent has been attached. The said statement of account shows that an amount of ₹ 16,07,854/- has been paid by the complainant in year 2011-2012.

Both parties signed the flat buyer agreement on 25.10.2011. As per Clause 24(a) of the agreement, possession of booked property was to be delivered within 18 months, alongwith grace period of six months from the date of booking. Therefore, deemed date of possession in this case was 20.08.2013. However, no information of progress regarding completion of the project had been received from the respondent in this regard till date even after nine years. Meaning there by there is no possibility to get project completed in near future. Therefore, complainant has sought relief of refund of ₹ 16,07,854/- along with permissible interest as per Rule 15 of HRERA Rules, 2017 framed under RERA Rules, 2016.

2. No reply has been filed till date by the respondent even after four opportunities given to them.

3. Sh. Chaitanya Singhal, learned counsel for complainant reiterated the facts mentioned in para 1 of this order. On the other hand, ld. counsel for respondent Sh. Ajay Ghangas, made a statement during course of hearing that respondent is not in a position to complete the project, therefore, possession to complainant cannot be delivered.



4. In view of above statement of learned counsel of the respondent, Authority observes that initially this complaint was received on 12.12.2019 and then was listed for hearing on 14.01.2020, 04.03.2020, 28.10.2020, 02.03.2021. Each time respondent was given opportunity to file reply but he has failed to do so. Now, no further opportunity can be granted.


Complainant has paid to the respondent a total amount of ₹ 16,07,854/- , as stated in para 1 of this order. In support of the assertion that this amount has been paid, complainant has annexed a statement of account issued by respondents at page no. 38,39 of complaint. Accordingly, it is concluded that complainant had paid an amount of ₹ 16,07,854/- to the respondent and respondent despite having received said amount against the booking of the unit has failed to deliver possession to the complainant till date. Now, admittedly respondent have failed to offer possession and ld. Counsel for respondent has stated that they are not in position to do so, relief of refund deserves to be allowed.

5 Respondent are directed to refund the amount of ₹ 16,07,854/- 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 ₹ 15,89,978/-. This interest has been calculated from the date of making payments by the complainant upto the date of passing of this order i.e. 01.06.2022 at the rate of 9.50%.



Respondent shall pay ₹ 31,97,832/- (16,07,854/-+ ₹ 15,89,978) 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 record room after uploading of this order on the website of the Authority.



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RAJAN GUPTA
[CHAIRMAN]



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DILBAG SINGH SIHAG
[MEMBER]