



Complaint no. 2367 of 2019

## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### COMPLAINT NO. 2367 OF 2019

Sunil Dahiya

....COMPLAINANT(S)

VERSUS

Haryana Urban Development Authority

....RESPONDENT(S)

**CORAM:**

**Rajan Gupta**

**Chairman**

**Dilbag Singh Sihag**

**Member**

**Date of Hearing:** 31.05.2022

**Hearing:** 18th

**Present: -**

Mr. Vivek Sethi, Counsel for complainant through  
Video conferencing

Mr. Surinder Chaudhary, Counsel for respondent

Mr. Jitender Jain, Representative of the respondent

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

Complainant herein is seeking possession of plot no. 313 measuring 324 sq. mtr. Situated in Sector 7-8, sonipat allotted to him in the year 2003. Complainant has paid an amount of Rs 8,48,764/- against

tentative price of Rs 7,75,010/- . Possession certificate for the plot in question was issued by respondent on 20.07.2007. However,

complainant was unable to take possession of the plot due to the fact that a part of the said plot was encroached by a private builder namely Parsvnath Developers ltd. Complainant vide letter 22.12.2014 dated requested respondent department to inspect the site and deliver him possession of booked plot. However, respondent did not take any action. Thereafter complainant vide letter dated 09.09.2016 requested Chief Administrator, HUDA to allot him an alternative plot but received no reply. Feeling aggrieved, complainant has filed present complaint seeking physical possession of booked plot alongwith delay interest for delay caused in delivery of possession

2. Respondent on the other hand has submitted that the site in question where the plot of the complainant is situated has been again inspected by the officials of HSVP along with site officials of Parsvnath Builders. After site inspection, the matter was settled between respondent department and Parsvnath builders by way of exchange of land. It has been submitted that after settlement of the matter, the process for delivery of possession of plot no. 313 to the complainant has been initiated by the respondent. On hearing dated 14.09.2021, respondent had apprised the Authority that respondent department has





approved a proposal of allotting an alternate plot to the complainant in the same sector where plot no. 313 was situated, and the matter is pending before Chief Administrator, HSVP, Panchkula for final approval.

3. Shri Vivek Sethi, learned counsel for complainant submitted that the matter pertaining to allotment of alternate plot to the complainant has been kept pending by the respondent department for a long time. Initially it was submitted before the Authority that HSVP has begun a process for allotting plot no. 246 AP situated at Sector-8 to the complainant . Then it was submitted that for the purpose of allotment a fresh survey is being conducted by the department. After this supposed survey, three plots bearing no. 290,447 & 448 were identified to be clear and available for allotment and respondent had sought a month's time to complete the process of allotment. However, on hearing dated 11.01.2022 respondent apprised the Authority that the department has changed its policy according to which complainant will have to apply through online system for issuance of an alternate plot. On 27.01.2022 complainant applied through the online system for allotment of alternate unit. Then again respondent sought one month's time to complete the process. After availing more than three months, on hearing dated 10.05.2022, a representative from the office of the respondent presented



before the Court a list of approvals granted in respect of alternate unit being allotted to the complainant and further sought time as the matter was pending for approval before Chief Administrator, HSVP, Panchkula.

Learned counsel for complainant submitted that complainant had booked the plot in the year 2003 and had received possession certificate for plot no. 313 in the year 2007. However, more than 14 years have passed and complainant is yet to receive actual physical possession of booked unit. Despite availing several opportunities respondent department has failed to give a concrete update to the Authority in regard to the physical possession of booked unit. Conduct of the respondent department has been utterly brazen and callous. Complainant has complied with all the demands and directions issued by the respondent and has also applied through the online system but he is yet to receive relief prayed for. Complainant has been suffering on account of non serious conduct of respondent department. Learned counsel for complainant prayed the Authority that strict directions be issued to the respondent to deliver him possession of alternate unit alongwith delay interest for delay caused in delivery of possession.

4. Shri Surinder Chaudhary, learned counsel for the respondent apprised the Authority that the matter is still before Chief Administrator,





HSVP, Panchkula, pending for his approval. Alternate plot can be allotted only after his approval.

5. Authority after hearing both parties, observes that complainant had received possession certificate for plot no. 313 in the year 2007 but has not been able to enjoy his rights accompanying the possession as the site in question was encroached by Parsvnath Builder. The issue of encroachment was resolved between respondent and Parsvnath Builder by exchange of land after which the respondent began the process for delivery of possession of plot no. 313 to the complainant. However, possession of said plot could not be delivered and respondent initiated the process of allotment of an alternate plot to the complaint. Thereafter respondent has taken several adjournments for allotment of alternate plot, but no concrete proposal has been placed before Authority till date.

In this case there has been an extraordinary delay in handing over of possession on the part of respondent, and despite availing several opportunities no positive information has been provided by the respondent. In such circumstances Authority directs the respondent to hand over possession of the plot within 30 days of uploading of this offer. Since complainant could not take over possession on account of fault of the respondent therefore, respondent shall not charge any delay



interest from the complainant. Further, complainant shall be entitled to get interest from the respondent as per provisions of Rule 15 of the RERA Rules 2017. Along with offer of possession, respondent shall also provide a statement of accounts to the complainant duly incorporating therein interest to be paid to the complainant on account of delay caused in handing over of physical possession. Such interest works out to be Rs 11,01,821/- Calculated at the rate of SBI MCLR + 2% as on the date of passing this order (i.e= 9.50%) from 20.07.2007 till 31.05.2022.

Complainant will further be entitled to monthly interest of Rs. 6140/- from the date of passing this order upto the date of actual handing over of the possession .

Delay interest mentioned in aforesaid paragraph payable by respondent to complainant has been calculated on total paid amount of Rs 7,86,290/-. Though in complaint file, complainant has claimed to have paid the respondent an amount of Rs 8,48,764/- however, as per the receipts sent by the complainant on the office Id vide email dated 24.06.2022 the total amount paid by complainant comes to Rs 7,86,290/-.

6. If complainant feels aggrieved in any manner, he will be free to file a fresh complaint before this Authority.

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7. **Disposed of in above terms.**



RAJAN GUPTA  
[CHAIRMAN]



DILBAG SINGH SIHAG  
[MEMBER]

