



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Complaint No. 155 OF 2022

Surinder Kumar Sharma

....COMPLAINANT

VERSUS

Raheja Developers Pvt. Ltd.

....RESPONDENT(S)

Complaint No. 181 OF 2022

Himani Bajaj

....COMPLAINANT

VERSUS

Raheja Developers Pvt. Ltd.

....RESPONDENT(S)

CORAM:

Rajan Gupta
Dilbag Singh Sihag

Chairman
Member

Date of Hearing: 06.05.2022

Hearing: 2nd in complaint no. 155/2022
1st in complaint no. 181/2022

Present: -

Ms. Sakshi Chauhan, Ld. Counsel for the complainant in both complaints
Mr. Kamal Dahiya, Ld. Counsel for the respondent

ORDER (DILBAG SINGH SIHAG-MEMBER)

1. The captioned matters related to Project 'Krishna Housing Scheme' of respondent situated at Sector 14, Sohana, District Mewat. These two matters are similar to the bunch of matters with lead complaint no. 183 of 2021 titled 'Srishti Wadhwa And Jolly Wadhwa Vs. Raheja Developers Ltd.' which was decided by the Authority on 06.05.2022 whereby relief of refund was allowed to the complainants. Relevant part of the order is reproduced as below:

8) Respondents-promoters have not submitted any time-line as to when project is likely to be completed. They are only hiding behind bald technicalities like jurisdiction of the Authority to justify their utter failure in completing the project. Photographs of the projects presented by complainants clearly show that the project is at very preliminary stages. It is not possible to be completed in foreseeable future. Since nothing substantial is happening on the ground, the promoters are going to find it difficult to arrange more money either from the allottees or from financiers. In any case, respondent is in serious disputes with both of them.

9) In such circumstances, when there is no hope of completion of project in foreseeable future, Authority is duty bound to allow relief of refund as prayed by complainants. Accordingly, Authority orders refund of entire amount paid by complainants along with interest calculated as per rule 15, HRERA rules, 2017.



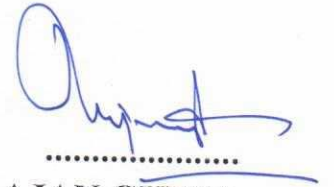
2. Since both these matters are based on similar facts, relating to same project of the respondent, these complaints are also disposed off in terms of complaint no. 183 of 2021 titled 'Srishti Wadhwa And Jolly Wadhwa Vs. Raheja Developers Ltd.' Authority accordingly hereby orders refund of the amount paid by the complainants along with interest in accordance with Rule 15 of the RERA Rules, 2017. The principal amount and interest thereon payable to complainant is tabulated below:-

S.No.	Complaint No.	Date of Agreement	Amount paid	Interest till 06.05.2022	Total
1.	155/2022	07.10.2016	Rs. 11,60,902/-	Rs. 6,05,501/-	Rs. 17,66,403/-
2.	181/2022	08.08.2016	Rs. 14,08,539/-	Rs. 7,02,042/-	Rs. 21,10,581/-

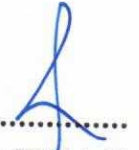
In complaint no. 181/2022, complainant claims that she has paid Rs.14,77,207/- to respondent but receipts annexed with the complaint shows that Rs. 14,08,539/- has been paid. For the remaining amount of Rs. 66,668/-, complainant has annexed a premium receipt issued by Bharti AXA. The alleged payment of Rs. 66,668/- has been paid by complainant to third party and not to respondent, therefore same is not accepted by this Authority for the purpose of refund. Hence, Rs. 14,08,539/- is taken into consideration for calculating interest thereof.

9

3. Respondents are directed to refund above stated amounts along with interest shown in the table above within time period prescribed in Rule 16 of RERA Rules, 2017.
4. Complaints are **disposed off**. Files be consigned to the record room after uploading of order.



RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SIHAG
[MEMBER]

