



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2947 of 2019

HRERA, Panchkula

....COMPLAINANT

VERSUS

MVL Ltd.

....RESPONDENT

CORAM: Rajan Gupta

Chairman

Dilbag Singh Sihag

Member

Date of Hearing: 30.05.2022

Hearing: 19th

Present: - None

ORDER (Rajan Gupta- Chairman)

1. In view of judgment dated 05.05.2022 passed by this Authority in a bunch of complaints against M/s MVL Limited the suo motu complaint regarding registration of project cannot be proceeded with because nature of whole of the project is being changed. Relevant part of the orders passed in lead complaint No. 2430 of 2019 is reproduced below:

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6. Some basic facts and controversy involved in the matter were recorded during 5th hearing on 17.2.2022. In continuation of the same and on the basis of verbal arguments put forward today by both sides, Authority issued directions to Sh. Kamal Dahiya, Learned counsel appearing for respondent, to file reply well before next date of hearing. Authority orders that no further opportunity will be granted and if reply is not filed 15 days before next date and supply a copy to the complainants, thereafter respondent's defence should be struck off and the case will be proceeded

without their written statement. It is reiterated that no further opportunity to file reply will be given.

7. It is being repeatedly alleged by the complainants that company petitions is going on with the respondent- company for winding up of company, in fact at one point, a remark has been made that official liquidator has been appointed. Complainants have not submitted any document in support of their contentions. Respondents also have not repeated such arguments. Both parties shall submit precise position in this regard before the next date of hearing. No further opportunity to argue this matter will be granted in case parties failed to submit relevant documents.

8. The Authority had given directions to the District Town Planner, Yamunanagar to submit a status report regarding development of infrastructure in the colony. A letter dated 10.3.2022 has been received from the District Town Planner, Yamunanagar stating that the site is lying vacant and no development or infrastructure and construction work has been done at the site.

The District Town Planner further reported that company has applied for grant of licence under DDJAY for land measuring 40.26 acres out of the original licenced area measuring 84.81 acres. The said application is under examination.

9. The learned counsel for the respondents Sh. Kamal Dahiya argued that 19 out of 27 complainants have consented for migration of their allotted plots into DDJAY colony. In support of his arguments, he submitted 19 such consent letters given by the complainants.

In this regard, clause (g) of the acceptance for migration agreement reads that migration of their earlier licence is subject to approval from concerned authorities and in any event of non-approval of affordable residential colony for any unavoidable reason whatsoever, original previous booking will be revived with earlier terms for all purposes.

In other words, for acceptance of migration was an uncertain agreement of an undefined & uncertain project and in the project in which migration was to happen is yet to be conceived and yet to be licenced. Such an acceptance of migration cannot be termed as legal binding on any of the parties. At best it can be termed as a memorandum of understanding subject to fulfilment of certain conditions.

10. Respondents are yet to obtain a licence under DDJAY scheme. A letter dated 22.2.2022 written by STP Panchkula to the Director Town & Country Planning, Haryana is with the Authority. Said letter raises numerous questions and makes no definite recommendations for grant of licence for setting up a DDJAY colony. Said letter is made a part of the correspondence in the Authority.

11. In nutshell, original project admittedly is abandoned. As reported by DTP, Yamunanagar, no development at the site has taken place. New colony on the same land is yet to be conceived. It is yet to be licenced. Admittedly, there are agreements executed with the complainant-allottees and those agreements are not possible to be honoured. Migration of the previous agreement into a new colony is totally uncertain. No complete plan of action is submitted by the respondents. Despite the lapse of merely 3 years since lodging of complaints, the respondents have been failed to file reply on merits. Allegedly winding up proceedings against the company, this however, needs to be verified on the basis of the documents.

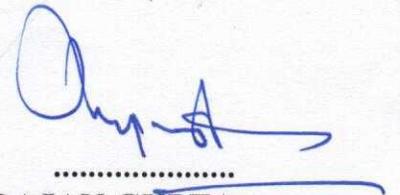
12. In the above circumstances, Authority is of the tentative view that project does not appears possible to be completed. It is an unregistered project and respondents are failing to get requisite formalities completed for getting it registered. In the circumstances, tentative view of Authority is that refund of money paid by complainants to the respondent company along with interest deserves to be granted. However, before final order is passed one last opportunity is granted to respondents to submit their written reply and argue their case on merits, failing which their tentative interest will be confirmed by the Authority on the next date without affording any further opportunity to the respondent.

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11. Respondents are directed to refund original amount along with interest, and total as shown in the tables above to each of the complainant within a period prescribed in Rule 16 of the RERA Rules.”

2. **Disposed of.** File be consigned to the record room and orders be uploaded on the website of the Authority



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RAJAN GUPTA
[CHAIRMAN]



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DILBAG SINGH SIHAG
[MEMBER]