



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 1373 OF 2021

Ram Pal

....COMPLAINANTS

VERSUS

M/s Ansal Properties and Infrastructure Ltd.

....RESPONDENT

**CORAM: Rajan Gupta
Dilbag Singh Sihag**

**Chairman
Member**

Date of Hearing: 07.07.2022

Hearing: 3rd

Present through video call: - Sh. S.K.Gupta, Learned counsel for complainant

Sh. Ajay Ghangas, Learned counsel for the respondent

ORDER (DILBAG SINGH SIHAG- MEMBER)

1. Initiating his pleadings, learned counsel of the complainant pleaded that complainant had booked a plot bearing no.0037-C-2033, admeasuring 300 sq.meters. in respondent's project "Sushant City", Yamunanagar on 31.03.2011. Total Sale consideration of the flat was Rs. 19,55,460/-, against which complainant has already paid an amount of Rs. 19,10,000/-. In support of the paid

amount, he referred page no 39-40 of complaint book, whereby statement of account issued by respondent has been attached. Said statement of account shows that an amount of ₹ 19,10,000/- has been paid by the complainant in the year of 2011-2012 itself.

Both parties signed plot buyer agreement on 31.03.2011. Accordingly, respondent was under an obligation to handover possession by 31.06.2012. 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. Moreover, there is no possibility to get project completed in near future. Therefore, complainant has sought relief of refund of ₹ 19,10,000/- along with permissible interest as per Rule 15 of HRERA Rules, 2017 or in alternative relief of possession.

2. On the other hand, respondent in their reply have raised by and large technical objections like complaint is not maintainable; RERA Act cannot be implemented with retrospective effect; Authority does not have jurisdiction to hear the complaint; complaint has not been filed on proper format etc. Further in reply submitted by the respondents, he stated that project got delayed due to reasons beyond their control and various land disputes.

3. Sh. S.K.Gupta, learned counsel for the complainant reiterated the facts mentioned in para 1 of this order and pressed for relief of refund along with permissible interest. 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.

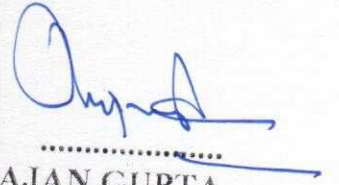
4. After going through the records available on file and considering the statement made by learned counsel of the respondent, Authority observes that Complainant has paid a total amount of ₹ 19,10,000/- to the respondent, as stated in para 1 of this order. In support of the assertion, complainant has annexed a statement of account issued by the respondents at page no. 39-40 of complaint. Accordingly, it is concluded that complainant had paid an amount of ₹ 19,10,000/- to the respondent against total sale consideration of ₹ 19,55,460/- and respondent despite having received said amount against the booking of the unit has failed to deliver possession to the complainant till date. Since, admittedly respondent have failed to offer possession and ld. Counsel for respondent has further 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 ₹ 19,10,000/- 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 ₹ 19,23,506/-. This interest has been calculated from the date of making payments by the complainant upto the date of passing of this order i.e. 07.07.2022 at the rate of 9.70%.

Complaint no. 1373 of 2021

Respondent shall pay ₹ 38,33,506/- (19,10,000/-+ ₹ 19,23,506/-) 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.



RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SIHAG
[MEMBER]

