



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 403 OF 2021

Asha Rani ...COMPLAINANT(S)

VERSUS

Rangoli Buildtech Pvt. Ltd. ...RESPONDENT(S)

2. COMPLAINT NO. 404 OF 2021

Upasana Dudeja ...COMPLAINANT(S)

VERSUS

Rangoli Buildtech Pvt. Ltd. ...RESPONDENT(S)

CORAM: Dr. Geeta Rathee Singh

Member

Nadim Akhtar

Member

Date of Hearing: 07.12.2022

Hearing: 5th

Present: None for the Complainants.

Ms. Rupali Verma, Ld. counsel for the respondent through VC.

ORDER (DR. GEETA RATHEE SINGH - MEMBER)

1. Authority, vide its orders dated 05.07.2022 had disposed of both the above-mentioned complaints (i.e., complaint no. 403 of 2021 and 404 of 2021) against which no execution has been pending before this Authority. Vide its

orders dated 05.07.2022, Authority had directed the respondent to refund the money deposited by complainant(s) along with interest as prescribed in Rule 15 of HARERA Rules of 2017. The relevant part of the order(s) in both the complaint(s) is reproduced hereunder: -

“Authority, however, considers that respondents should have returned the earnest money to complainant because it did not fructify into an allotment. Even though respondents offered to the complainant to take their money back, but Authority considers that respondents should have sent cheques/drafts of money refundable to the complainant. Respondents have used the money of complainant for about 16 years; therefore, respondents are directed to return entire amount paid by complainant along with interest as prescribed in Rule 15 of HRERA Rules, 2017. Interest shall be calculated as per SBI MCLR +2% which was 9.7% per cent at the time of passing this order. The amount to be returned to the complainant in complaint no. 403 of 2021 works out to **Rs. 27,27,351/-** (Principal amount 10,70,000/- plus interest Rs. 16,57,351/-). The amount to be returned to the complainant in complaint no 404 of 2021 works out to **Rs. 13,28,863/-** (Principal amount Rs.5,09,375/- plus interest Rs. 8,19,488/-). The respondent shall pay entire amount to the complainant within 90 days of uploading this order on the web portal of the Authority”.

2. In compliance of above-mentioned order(s), respondent-promoter vide its application dated 21.11.2022 had informed the Authority that in compliance of its orders dated 05.07.2022, the respondent issued 2 demand drafts bearing no's 506446 and 506447 for an amount of **Rs. 25,61,616/-** and **Rs. 12,46,914/-**

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in favour of complainants i.e., Asha Rani and Upasana Dudeja respectively, after deducting the TDS, which can be claimed by the decree holder(s) in their respective ITR's.

3. Further as stated in its application dated 21.11.2022, the respondent-promoter had sent communications dated 05.09.2022(Annexure A-2) to the complainant(s) along with photocopies of demand drafts prepared in compliance of orders dated 05.07.2022, passed by the Authority along with a request to submit the original documents as requested by the respondent-promoter, however, despite waiting for sufficient time, respondent has not received any communication or heard back from the decree holder(s).

4. Therefore, in view of fact that the complainant(s) are not responding to the communication(s) made by the respondent-promoter with respect to accepting the demand drafts (refund along with interest allowed by the Authority in its order dated 05.07.2022), the respondent-promoter vide application dated 21.11.2022 deposited two demand drafts dated 16.09.2022 bearing no. 506446 of amount **Rs. 25,61,616/-** in favour of complainant **Asha Rani in complaint no. 403 of 2021** and demand draft no. 506447 of amount **Rs. 12,46,914/-** in favour of complainant **Upasana Dudeja in complaint no. 404 of 2021** in the Authority. The office of the Authority brought it to the notice of the Authority that the validity of demand drafts deposited by the respondent-promoter/judgement-debtor is about to ~~be~~ expire on 16.12.2022.

Therefore, the demand drafts are required to be revalidated before handing over the same to the decree-holder(s).

5. In order to get the demand draft revalidated from the respondent-promoter, the complaint cases were called from the record room and listed today. Ms. Rupali Verma, Ld. counsel for the respondent-promoter was directed to revalidate the demand drafts and re-submit the same in the Authority within 30 days of uploading of this order, to which the ld. counsel agreed. Respondent-promoter is directed to collect the demand drafts bearing no. 506446 and 506447 from office of the Authority for revalidation.
6. On receiving the revalidated demand drafts, office to communicate the complainant(s) to collect the same on submitting valid ID proof.
7. The order be uploaded on the website of the Authority and file be consigned to record room and.


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DR. GEETA RATHEE SINGH
(MEMBER)


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NADIM AKHTAR
(MEMBER)