



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 1535 OF 2022

Pratap Kumar Sahoo

....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd.

....RESPONDENT

Hearing: 4th

2. COMPLAINT NO. 1556 OF 2022

Sanjay Joshi

....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd.

....RESPONDENT

Hearing: 3rd

3. COMPLAINT NO. 1882 OF 2022

Rashmi Lall

....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd.

....RESPONDENT

Hearing: 3rd

4. COMPLAINT NO. 2186 OF 2022

Jai Ram Singh

....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd.

....RESPONDENT

Hearing: 2nd

**CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar**

**Member
Member**

Date of Hearing: 06.12.2022

Present: - Mr. Dinesh Kumar Dakoria, learned counsel for the complainants through VC (in all complaints)
Mr. Tej Bahadur on behalf of Mr. Sourabh Goel, learned counsel for the respondents through VC (in all complaints)
Mr. Ashish Seth, manager of respondent promoter through VC (in all complaints)

ORDER (NADIM AKHTAR- MEMBER)

1. Captioned complaints have been filed by complainants seeking relief of refund of the booked apartment along with interest as applicable as per rules for having caused delay in offering possession. Complaint no. 1535 of 2022 is being taken as lead case.
2. Factual matrix of the case is that Complainant had booked a flat bearing no. 03, first floor in Tower T-2, admeasuring 1022 sq. ft., in respondent's project




“Beverly Homes” situated at Sector – 89, Faridabad by paying a booking amount of Rs. 2,50,000/- on 05.12.2009. Total sale consideration of the apartment was Rs. 20,56,000/- against which complainant has paid an amount of Rs. 23,79,025/- Both the parties signed builder buyer agreement on 01.09.2010. As per Clause 12 of the agreement, possession of the booked property was to be delivered within 24 months with a grace period of 180 days. Therefore, deemed date of possession in this case was 01.03.2013. However, no offer of possession has been made by respondent. Therefore, complainant has sought relief of refund along with permissible interest as per Rule 15 of HRERA Rules, 2017.

3. As per office record, notices were successfully delivered to respondent promoter in all the captioned complaints. However, no reply has been filed by respondent promoter till date.

4. Learned counsel for the complainant reiterated factual matrix of the case and argued during hearing that decision already taken by Authority in bunch of cases with lead case Complaint No. 843 of 2019 titled as Manoj Kumar Versus Ferrous Infrastructure Pvt. Ltd. squarely covers controversy involved in this complaint. Hence, these complaints may be disposed of in same terms.

5. Mr. Tej Bahadur appeared on behalf of Mr. Sourabh Goel, learned counsel for respondent and requested that one last opportunity be given to file his replies in all captioned complaints.



On the other hand, Mr. Ashish Seth, Director for respondent promoter appeared and verbally submitted that refund in this case should not be allowed as most of the units are ready for possession and 163 allottees have already taken the possession. Moreover, 65 families are already residing there. In addition, respondent promoter has got their licence renewed till 2024. They have already applied for the grant of occupation certificate, which is likely to be obtained in the near future. Therefore, relief of refund may not be allowed. However, nothing has been placed on record to substantiate his averments.

6. Authority is satisfied that issues and controversies involved in all these complaints are of similar nature as the bunch of cases with lead case **Complaint No. 843 of 2019** titled as **Manoj Kumar Gupta Versus M/s Ferrous Infrastructure Private Limited**. Therefore, the captioned complaints deserves to be disposed of in terms of said order passed by Authority in Complaint no. 843 of 2019, which is reproduced below:

“20. In conclusion, Authority observes that project is not complete; OC has not been even applied for; services are highly deficient; project is in a dilapidated condition; even an offer of possession sans occupation certificate also has not been made; statement of account has not been furnished; and no effort has been made to take the project further even after filing of captioned



complaints in 2019, therefore, right of the complainants to seek refund of the money paid by them along with applicable interest as per rules cannot be denied.”

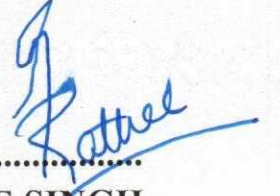
7. Authority accordingly orders refund of the money paid by the complainants along with interest @ 9.8 % as shown in the table below-

Sr. No.	COMPLAINT NO.	DATE OF AGREEMENT	TOTAL AMOUNT PAID BY THE COMPLAINANT (In Rs.)	INTEREST CALCULATED FROM DATE OF RESPECTIVE RECEIPTS TILL DATE OF ORDER i.e., 06.12.2022 (In Rs.)	TOTAL AMOUNT TO BE REFUNDED BY RESPONDENT (In Rs.)
1.	1535 of 2022	01.09.2010	23,79,025/-	27,96,463/-	51,75,488/-
2.	1556 of 2022	21.02.2011	19,04,702/-	22,76,910/-	41,81,612/-
3.	1882 of 2022	29.07.2010	21,30,616/-	26,29,671/-	47,60,287/-
4.	2186 of 2022	01.11.2010	27,57,267/-	32,71,970/-	60,29,237/-

Respondent shall pay entire amount to the complainants within 90 days of uploading this order on web portal of the Authority.



8. **Disposed of.** Files be consigned to the record room after uploading of this order on the web portal of the Authority.



.....
DR. GEETA RATHEE SINGH
[MEMBER]



.....
NADIM AKHTAR
[MEMBER]

