



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1186 OF 2021

Sangeeta

....COMPLAINANT(S)

VERSUS

Prabhu Shanti Real Estate Pvt. Ltd.

....RESPONDENT(S)

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

**Member
Member
Member**

Date of Hearing: 22.09.2022

Hearing: 4th

Present through video call: - Adv. Kanhiya Soni, learned counsel for the complainant

None for the respondent

ORDER (DILBAG SINGH SIHAG- MEMBER)

1. While initiating his pleadings, learned counsel for complainant stated during the hearing that the decision dated 04.05.2022 taken by the Authority in Complaint No. 774 of 2021 titled as "Seema Arora M/s Prabhu Shanit

Real Estate Pvt. Ltd” squarely covers the controversy involved in the above mentioned complaints. To support his contention he briefly averred facts that complainant had booked an apartment bearing no. T2-C5, admeasuring 2220 for total sale consideration of Rs. 61,34,000/-. Complainant had paid an amount of Rs. 53,22,313/- to the respondent-promoter till February 2016. As evidence of said paid amounts, statement of accounts issued by respondent has been annexed by complainant at page no. 53 of complaint book. As per Builder buyer agreement dated 29.06.2013 builder was under an obligation to handover possession of booked plot within a period of 30 months from date of execution of agreement, which comes to 29.12.2015. But till date neither refund of the paid amount nor possession of booked plot has been handed over to complainant. Aggrieved by the action of the respondent, complainant sought refund of paid amount along with permissible interest as per Rule 15 of HRERA Rules, 2017 framed under RERA Rules, 2016. Hence, this complaint be disposed of in the same manner. Operative part of said order dated 04.05.2022 is reproduced below for ready references:

“ Learned counsel for the complainants stated during the hearing that the decision already taken by the Authority in Complaint No. 22 of 2018 titled as Ashok Versus M/s Prabhu Shanit Real Estate Pvt. Ltd squarely covers the controversy involved in this complaint. Hence, this complaint may be disposed of in the same manner.

2. The Authority is satisfied that the issues and controversies involved in present complaint is of similar nature as in Complaint No. 22 of 2018 titled as Ashok Versus M/s Prabhu Shanit Real Estate Pvt. Ltd. Therefore,

the captioned complaint is disposed of in terms of the order passed by Authority in Complaint no. 22 of 2018.

In furtherance of above mentioned observation, Authority would dispose of this complaint with the order that relief claimed by the complainant i.e. refund of the amount paid by them to the respondents along with interest @ Rule 15 of RERA, Rules, 2017 deserves to be granted from the respective dates of making payment till the actual realization of the amount.

Authority accordingly orders refund of the money paid by the complainant along with interest as shown in the table below-

Sr. No.	COMPLAINT NO.	TOTAL AMOUNT PAID BY THE COMPLAINANT (In Rs.)	INTEREST (In Rs.) 7.40+2% = 9.40%	TOTAL AMOUNT TO BE REFUNDED BY RESPONDENT (In Rs.)
	774/2021	37,01,998/-	25,15,903/-	62,17,901/-

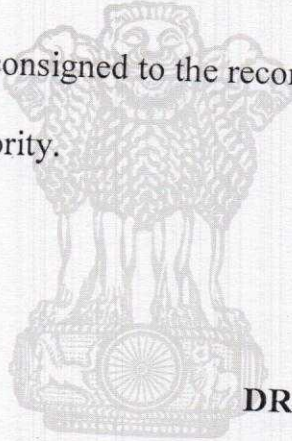
Disposed of. Files be consigned to record room after uploading of this order on the website”.

2. Authority is satisfied that the issues and controversies involved in present complaints are of similar nature as in Complaint No. 774 of 2021 titled as “Seema Arora M/s Prabhu Shanit Real Estate Pvt. Ltd” Therefore, captioned complaint is disposed of in terms of the order passed by Authority in Complaint no. 774 of 2021.

3. In furtherance of above mentioned observation, Authority would dispose of captioned complaint with the order that refund of the amount paid by complainant to the respondent along with interest in terms of Rule 15 of RERA, Rules, 2017 deserves to be granted from respective dates of making payments till passing of this order.

4. Further Authority directs the respondent to refund entire principal amount of ₹ 53,22,313/- to the complainant with interest. Authority has got the interest calculated, which works out to ₹ 45,54,309/-. This interest has been calculated from the date of making payments by the complainant upto the date of passing of this order i.e. 22.09.2022 at the rate of 10%. Now, respondent has to pay total amount of ₹ 98,76,622/- (53,22,313/- + ₹ 45,54,309/-.) to the complainant. Respondents shall refund the money along with interest within period prescribed in Rule 16 of the RERA Rules of 2017.

Disposed of. Files be consigned to the record room after uploading of this order on website of Authority.



सत्यमेव जयते

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

.....
NADIM AKHTAR
[MEMBER]

.....
DILBAG SINGH SIHAG
[MEMBER]