



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2154 OF 2022

Rajinder Kumar and Neelam

...COMPLAINANT(S)

VERSUS

M/s Samar Estates Pvt. Ltd.

....RESPONDENT(S)

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

Member
Member
Member

Date of Hearing: 14.10.2022

Hearing: 1st

Present: - Mr. Vishal Madaan, Id. Counsel for the complainant
Mr. Sumit Passi, Id. Counsel for the respondents

ORDER (DILBAG SINGH SIHAG-MEMBER)

Present petition has been filed for execution of orders dated 04.05.2022 passed by the Authority whereby respondent was directed to

refund an amount of ₹81,68,108/- (₹37,68,784/- principal amount + ₹43,99,724/-).

2. While initiating his pleadings, learned counsel for the complainant stated that decision already taken by the Authority in bunch of cases with lead Complaint no. 839 of 2019 titled as Jyotsna Leekha V/s M/s Samar Estate Pvt. Ltd. squarely covers the issues and controversy involved in the above-mentioned execution petition. Hence, this complaint be disposed of in the same terms.

3. Mr. Sumit Passi, ld. counsel for the respondent has marked his presence on behalf of the respondent and filed written objections along with power of attorney. The same are taken on record and copy is also supplied to the complainant. Learned counsel for the respondent further submitted that total cost of project was ₹348.15 cr, out of which respondent has already incurred ₹222 cr. Whereas respondent had received only ₹94.26 cr from 342 allottees out of total 786 general category apartments. Respondent has been facing financial crunches due to non-payment of outstanding dues from complainants/allottees. Besides, Authority has banned sale of the properties of the project vide its orders dated 30.04.2019 passed in complaint no.865 of 2019 titled as Mamta Gupta versus Samar Estate Pvt Ltd. As a result, respondent is unable to take any action in compliance of orders of the Authority. Respondent has been doing his best to revive the project as some

investors came forward to invest in the project. Therefore, he prayed for not issuing recovery certificate and stay of present execution petition for the time being as respondent is trying to settle the disputes of allottees.

4. After consideration of submissions made by both parties, Authority observed that respondent has to mobilise sufficient financial resources apart from arrangement of manpower and machinery well in time for completing the project. But in present scenario, nothing can be reliable unless some documentary evidence of arrangement of finance are placed on record. Project has been stalled nor likely to be completed in near future as severe defaults took place on the part of the respondent. Authority is of the considered view that plea taken by the respondent to stay present execution petition cannot be accepted at this stage. Since facts and grievances of the captioned complaint are identical to the matters already disposed of with lead case Complaint no. 839 of 2019 titled as Jyotsna Leekha V M/s Samar Estate Pvt. Ltd. in which Authority has passed following orders:

“..... So, the Authority in exercise of powers conferred on it under Section 40 of The Real Estate (Regulation and Development) Act, 2016 and Rule 27 of Haryana Real Estate (Regulation and Development) Rules, 2017, for recovering the refund amount as arrears of land revenue and for executing the orders as decree of the civil court, decides to issue a warrant of recovery against the company addressed to District Collector with a direction to recover the decreed amounts from the respondents as arrears of land revenue and remit the same to the Authority after such recovery for further payment to the decree holders/complainants. The District Collector shall send a

compliance report to this Authority. Necessary action be accordingly taken.”

5. Accordingly, Authority disposes of the captioned execution petition in the same terms. Recovery certificate be issued to District Collector, Panchkula for the recovery of decretal amount of ₹81,68,108/- (₹37,68,784/- principal amount + ₹43,99,724/- interest) as arrears of land revenue. District Collector shall send a compliance report to this Authority in this regard within 90 days from uploading of this order.

6. **Disposed of.** File be consigned to the record room after uploading of order on the website.



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DR. GEETA RATHEE SINGH
(MEMBER)



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NADIM AKHTAR
(MEMBER)



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DILBAG SINGH SIHAG
(MEMBER)