



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Complaint No. 539 OF 2022

Rashmi Kukreja And Ajay Kukreja

....COMPLAINANT(S)

VERSUS

Gold Souk Infrastructure Pvt Ltd

....RESPONDENT(S)

CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar

Member
Member

Date of Hearing: 29.11.2022

Hearing- 3rd

Present:- Mr. Sumit Sharma, Ld. Counsel for the complainant
Respondent already ex-parte

ORDER (NADIM AKHTAR-MEMBER)

1. While perusing case file, following facts emerged:-

- i) In the year 2012 complainants booked a residential apartment in a project of respondent named 'Gold Souk Golf Links' at village Khanpur and Kawarsika, Sector 17, Sohna, Haryana. Complainants deposited an amount of Rs. 10,81,900/- as booking amount by 14.01.2013. Receipt corresponding to booking amount has been annexed as C-II at page 17 of complaint file. Respondent Company, i.e., Gold Souk Infrastructure Pvt. Ltf. on the basis of application form allotted unit bearing no.TB/0206 admeasuring 1450 sq. ft. to the complainants to Ms.

(Handwritten signature)

Rashmi Kukreja and Mr. Ajay Kukreja. Basic sale price agreed between parties for 1450 sq. ft. apartment was Rs.50,60,500/-.

iii) Builder buyer agreement(PBA) was executed on 06.12.2014 wherein under clause 10.1, it was stipulated that possession will be offered within 48+6 months from execution of PBA. Period taken from the date of execution of plot buyers agreement works out to be 06.06.2019. Complainants have already paid an amount of Rs. 22,46,398/- as is evident from the statement of accounts issued by the respondents annexed by complainants as Annexure C-IV at page 42 of the complaint file. From 2014 till 2022, no construction work was carried out on the site. Possession was never offered as no construction commenced at respective site. Since respondent failed to discharge his obligations, complainant has filed this compliant praying for refund of the amount paid.

2. Notice to respondent was delivered successfully on 08.04.2022 but no reply has been filed by them till date. Vide order dated 28.06.2022 last opportunity was granted to the respondent to file his reply. Vide order dated 10.08.2022, respondent was proceeded ex-parte for non-appearance and non-filing of reply. Relevant excerpt of the order is produced below:

2. Notice to respondent was delivered successfully on 08.04.2022 but no reply has been filed by them till date. Vide order dated 28.06.2022 last opportunity was granted to the respondent to file his reply. Authority takes this

non-compliance seriously and decided to proceed ex-parte against the respondents. Defence of the respondent is struck off for non-appearance and non-filing of reply.

3. Matter was heard on 10.08.2022 and the Authority gave its tentative view that no construction work has been carried out at the site therefore, Authority is inclined to allow the prayer of refund to the complainants. Relevant order is reproduced below:

3. Perusing complaint file, Authority observes that complainants have already paid nearly 45% of agreed sale consideration but completion of project is nowhere at sight. Complainant cannot be made to wait indefinitely for a unit which was booked way back in 2012. Authority observes that no construction work has been carried out at the site therefore, Authority is inclined to allow the prayer of refund to the complainants.


4. Authority is of the considered view that the matter has been tentatively decided on 10.08.2022, and complainant cannot be made to wait indefinitely for a unit which was booked way back in 2012, therefore the view taken by the Authority in order dated 10.08.2022 stands confirmed. Authority directs the respondent to refund entire amount of Rs. 22,46,398/- paid by the complainant along with interest rate as prescribed under rule Rule 15 of HRERA Rules, 2017, i.e., SBI highest MCLR rate + 2% which is 10.35% p.a. simple interest. Entire payable amount along with interest is tabulated below:



S.No.	Principal Amount	Date of Payment	Interest @10.35% till 29.11.2022	Total
1	Rs. 5,40,950/-	14.12.2012	Rs. 5,58,043/-	Rs. 10,98,993/-
2	Rs. 5,40,950/-	14.01.2023	Rs. 5,53,287/-	Rs. 10,94,237/-
3	Rs. 8,21,414/-	31.10.2014	Rs. 6,87,584/-	Rs. 15,08,998/-
4	Rs. 3,43,084/-	02.12.2014	Rs. 2,84,074/-	Rs. 6,27,158/-
Total	Rs. 22,46,398/-		Rs. 20,82,988/-	Rs. 43,29,386/-

5. Respondent is directed to refund above stated amounts along with interest shown in the table above within time period of 90 days prescribed in Rule 16 of the HRERA Rules, 2017.

6. **Disposed of** in above terms. File be consigned to record room.

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DR. GEETA RATHEE SINGH
 [MEMBER]

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NADIM AKHTAR
 [MEMBER]