



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

## COMPLAINT NO. 98 OF 2021

Hawa Singh Joon

...COMPLAINANT.

Versus

AMI Prabhu Developers Pvt Ltd.

...RESPONDENT.

**CORAM:**

**Dr. Geeta Rathee Singh  
Nadim Akhtar**

**Member  
Member**

**Date of hearing:** 07.12.2022

**Hearing:** 3rd

**Present: -** Mr. Amarjit Beniwal. Ld.Counsel for the complainant  
None for the respondent

### ORDER: (NADIM AKHTAR-MEMBER)

1. While pursuing case file, it is observed that complainant booked a 3 BHK built up flat in 17.09.2013 in the project 'AMI PDM Greens' of the respondent situated in Sector 3A, Sarai Aurangabad, Bahadurgarh, District Jhajjar, Haryana. Construction of project was to start from 2013 itself. At the time of booking, complainant paid an amount of Rs. 4,00,000/- to the respondent and also on 20.01.2014 paid an amount of Rs. 4,00,000/-. Complainant has paid Rs. 8,00,000/-

till date for allotment of 1250 sq. ft. apartment. Statement of accounts issued by respondent promoter as proof of payment has been annexed as C1 at page 39 of complaint file.

2. Even after receiving Rs. 8,00,000, no formal agreement was entered between parties nor any allotment was made in favour of the complainant. Respondent promised to complete construction within a period of 2 years from the commencement of construction but said construction never commenced. On 08.02.2019, respondent sent a letter calling complainant to settle the matter and had offered an alternate plot in place of the booked unit. Complainant refused the offer of respondent vide letter dated 28.02.2019 and requested to refund Rs. 8,00,000 alongwith permissible interest as no construction was going on even after 6 years of booking.

3. Vide order dated 11.10.2022, complainant was directed to furnish information w.r.t. whether this given project is a licensed project or not. Relevant order is produced below:

*1. During proceedings Authority asked the counsel for the complainant in regard to status of the project and also enquired about the departmental clearances from the concerned departments. Ld. Counsel for the complainant in his oral averments submitted that he is not aware of the status of project and also unsure about the status of license, i.e., whether the concerned project is a licensed colony or not?*

*He requested the Authority to grant him an opportunity to confirm the said details.*



*Authority is of view that in order to further adjudicate the matter in a detailed manner some crucial facts and figures are not placed on record. Accepting the request of the complainant Authority grants him an opportunity to provide details of license of this project. Further, Authority is of tentative view that if the concerned project is an unlicensed project then the said matter can not be adjudicated as Authority does not hold jurisdiction to entertain cases relating to unauthorised colonies. Authority grants complainant a liberty to withdraw his case before next date of hearing in case this project is an unlicensed project.*

4. During hearing, ld. counsel for the complainant Sh. Amarjit Beniwal submitted that information w.r.t. the license of the project has been provided on page 15 of the compliant file itself. He claimed that the necessary licenses for the purpose of the setting up a residential group housing colony by the respondent was obtained vide license no. 34, 35 and 36 of 2007 from Director, Town and Country Planning Department, Haryana.
5. Perusal of the records reveals that the information supplied by complainant w.r.t to license of the project is incorrect. The project license no. 34, 35 and 36 of 2007 does not belong to respondent promoter in any manner. Analysing the records of Department of Town and Country Planning, Haryana reveals that this project of the respondent was not even licensed and hence an unauthorised colony. This authority in similar complaint bearing no. 1217 of 2020 titled 'Seema Jain v. AMI Prabhu Developers Pvt. Ltd.' has dismissed the complaint against the same project by the respondent for being an unlicensed and unauthorised project. Reasons enumerated in the complaint no. 1217 of 2020 as produced below:



6. Authority has gone through the submissions of the complainant and it observes that this project is an unregistered project. Analysing the records of Department of Town and Country Planning, Haryana reveals that this project of the respondent was not even licensed and hence an unauthorised colony. Complainant has invested his money in an unauthorised colony which has not been licensed by any state government authority. By investing in this illegal colony, complainant has become a party to unauthorised development of colony. Authority will not deal with complaint against unlicensed projects. The complainant however is at liberty to seek redressal of his grievance from the competent authority or court as per law.

6. Since this complaint relates to the same project of the respondent having the similar facts as that of complaint no. 1217 of 2020, therefore this present complaint is also dismissed on same terms.

7. **Disposed of as Dismissed.** File be consigned to record room after uploading of order on the website of the Authority.

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

  
.....  
NADIM AKHTAR  
[MEMBER]