HARYANA REAL ESTATE REGULATORY AUTHROITY, PANCHKULA.

Complaint. No. RERA-PKL-172/2018
Date: 19.09.2018

Jai Singh. ...Complainant

Versus

M/s Soni Realtors Pvt. Ltd. ...Respondent

Coram:- Shri Rajan Gupta, Chairman.
Shri Anil Kumar Panwar, Member.
Shri Dilbag Singh Sihag, Member.

Appearance:- None for complainant.
Shri Jaswant Singh, Advocate for respondent.

ORDER:-

1. The complainant in the present case is seeking refund of Rs. 19,45,179/- which he had deposited with the respondent as part consideration of a Plot No. 18 in Block-D4 allotted to him in respondent's project named "Sony Palm City" situated in Karnal. His grievance is that the deemed date of possession was 01.10.2013 and the respondent has not been able to handover the possession till date.

2. Notice of the complaint was issued to the respondent and said notice was duly served upon him on 11.07.2018. However, he failed to file his reply till date and has committed default of appearance as well. So, the Authority has decided to take out ex-parte proceedings against him.

3. Considering the fact that the complainant's averments have gone un-rebutted on record, it has to be necessary held that the respondent has not been able to deliver possession on time and since almost five years have already lapsed after the deemed date of possession, the Authority will hold that the complainant is entitle to refund along with interest at the rate prescribed in Rule 15 of HRERA Rules, 2017 [Haryana Real Estate (Regulation and Development) Rules, 2017]

4. The Authority has been apprized at this stage that the project of the respondent is not yet registered as required under Section 3 of the RERA Act. So, a Show Cause Notice under Section 59 of the Act be issued to the respondent as to why the action be not initiated against him for not registering his project with the Authority. Project Section of the Authority will maintain a separate file with regard to the proceedings under Section 59 of the Act with reference to this order.

5. This complaint is accordingly **disposed of** with the direction that respondent shall refund the amount to the complainant along with interest envisaged under Rule 15 of the HRERA, Rules @ State Bank of India highest marginal cost landing rate plus 2%. The complainant will however be entitled to approach the Adjudicating Officer for claiming such compensations as he may be entitled under the RERA Act.

Dilbag Singh Sihag
Member

Anil Kumar Panwar
Member

Rajan Gupta
Chairman