

**HARYANA REAL ESTATE REGULATORY AUTHORITY,
PANCHKULA.**

Complaint. No. RERA-PKL-347/2018
Date: 19.09.2018

Smt. Suman. ...Complainant

Versus

M/s TDI Infrastructure Ltd. ...Respondent

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

Appearance:- Shri Ramesh Dua for complainant.
Shri Shobit Phutela, Advocate for respondent.

ORDER:-

1. The complainant's grievance is that he had booked a flat with the respondent in project named "TDI Kingsbury Apartments". The respondent after obtaining part payment has shifted him to another project named "Tuscan Heights" in Tuscan City, Sonapat without his consent on the pretext that delivery of possession in the former project was not feasible. The flat was booked in the year 2006 and the respondent though after repeated requests had executed the buyer's agreement on 04.01.2012 but has not yet handed over the possession to him. So, the complainant's prayer is for refund of deposited amount along with interest and compensation.

2. The respondent in his reply has admitted the deposit of Rs.13,75,706/- but has not disclosed anything about the status of the project.

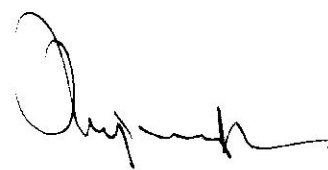


3. The Authority has today specifically enquired from the respondent's counsel about the latest status of the project but he too has not furnished any satisfactory reply. His only reply was that the project is under construction without further disclosing as to how much construction has been carried out and how long the project will further take for its completion. So, the Authority is of the considered opinion that the complainant, who started investing in the project in the year 2006 and has neither received possession nor the possession is expected to be delivered to him in near future, is entitled for refund of the paid amount.

4. The complaint is accordingly disposed of with the direction, that the respondent shall refund the amount Rs. 13,75,706/- to the complainant along with interest in accordance with Rule 15 of the HRERA, Rules i.e. @ of SBI highest marginal cost of land rate plus 2% within 45 days of the uploading of the order. As regards, the other compensations, if any, permissible to the complainant, the Authority leaves the complainant at liberty to approach the Adjudicating Officer. The Authority will further add that non-compliance of the directions for refund of the amount will entail a liability for the respondent in terms of the provision of Section 63 of the RERA, Act. File be consigned to the record room.


Dilbag Singh Sihag
Member


Anil Kumar Panwar
Member


Rajan Gupta
Chairman