



Complaint no.1052/2018

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 1052 OF 2018

Ved Prakash

....COMPLAINANT(S)

VERSUS

APL Group of Companies

....RESPONDENT(S)

**CORAM: Anil Kumar Panwar
Dilbag Singh Sihag**

**Member
Member**

Date of Hearing: 25.09.2019

Hearing: 6th

Present: - Mr. Chandra Shekhar Singh, Counsel for Complainant

None for respondent

ORDER (ANIL KUMAR PANWAR-MEMBER)

1. Complainant Shri Ved Parkash had booked a flat with the respondent in the year 2015 and allotment in his favour was issued on 16.06.2015. He was allotted a flat in Tower AP-05 of the project named "APL

Homes-3” situated at Karnal. The complainant has already paid a sum of Rs. 11,25,000/- against the total sale consideration of Rs. 25 lacs. His grievance is that the respondent has failed to deliver him possession as per agreed terms of Clause-21 of the allotment letter. So, the complainant has prayed for refund along with interest and compensation on account of harassment caused to him.

2. Notice to the respondent was issued but he could not be served for want of correct address and the Authority thus decided effect his service through publication. The publication was effected in newspaper the Hindustan Times but the respondent has neither appeared nor filed his reply. So, the Authority has decided to proceed against him ex-parte.

3. It has been averred that there was no construction going on at the time when the complainant had visited the project last time. The complainant has further averred that when he had last contacted the respondent, he was told that respondent has no intention to develop the project. The averments of the complainant on these material points have gone un-rebutted on record. So, the Authority, has no hesitation to conclude that there is no likelihood of delivering possession to the complainant in near future.

4. Consequently, the complaint is allowed and the respondent is directed to refund the amount of Rs. 11,25,000/- to the complainant along with interest at the rate prescribed in Rule 15 of Haryana Real Estate (Regulation and Development) Rules, 2017 i.e. @ SBI highest marginal cost of lending



rate (MCLR) +2% from the date of payment of amounts till the actual realization.

5. Case is **disposed of** in above mentioned terms. File be consigned to the record room after uploading of the order on the website of the Authority.



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]