



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: [www.haryanarera.gov.in](http://www.haryanarera.gov.in)

## COMPLAINT NO. 1844 OF 2022

Vinay Gupta

.....COMPLAINANT

Versus

Haryana State Industrial and Infrastructure Development Corporation Ltd

.....RESPONDENT

**CORAM:** Dr. Geeta Rathee Singh  
Nadim Akhtar

Member  
Member

**Hearing:** 6th

**Date of Hearing:** 15.11.2023

**Present:** - Mr. Vikasdeep, learned counsel for the complainant through VC.

Mr. Tarun Gupta, learned counsel for the respondent.

*Geeta Rathee*

**ORDER (Dr. GEETA RATHEE SINGH - MEMBER)**

1. Ld counsel for complainant reiterating the facts of the complaint stated that complainant participated in e-auction for allotment of industrial plot measuring 1800 Square Mtr in "Mega Food Park" at Sonipat (Haryana) and deposited ₹35,92,000/- through RTGS on 02.08.2018. e-Auction was held on 13.09.2018. Complainant quoted the highest bid of ₹26400/- per Sqr. Mtr (PSM) and become successful bidder of industrial plot No. 2259, HSIIDC, Sector-38 Food Park. However, due to technical issue on website, the bid of the complainant was shown as ₹37400/- per Sq. Mtr and respondent got deposited ₹35,92,000/- as application money. Respondent issued Regular Letter of Allotment (RLA) dated 05.12.2018 along with format of agreement and letter of acceptance in respect of allotted plot. Further, it was mentioned in terms of payment that complainant is required to deposit 10% alongwith application as earnest money; 15% price of the plot on issuance of RLA; another 25% amount is to be deposited within 60 days from the date of issue of RLA and balance 50% amount to be paid within 90 days from date of issue of RLA. Ld counsel for complainant submitted that respondent is at fault as electric pole was existing inside plotted area of complainant and therefore, alleged offer of possession and RLA are void. In this regard, complainant sent emails dated 07.12.2018, 13.12.2018, 06.01.2019 and 21.02.019 to



respondent which are annexed as Annexure C4. After removal of High-tension electric wire and pole, complainant requested the respondent to issue demand letter by re-scheduling the installments. In this regard complainant sent emails dated 23.04.2019, 12.05.2019, 01.07.2019, 11.07.2019, 30.08.2019 and 04.09.2019 to the respondent, annexed as Annexure C5. Due to HT wire was passing over the plot, the complainant was not able to raise construction. In response to various emails, respondent sent letter dated 13.09.2019, annexed as Annexure C6 asking the complainant to deposit the payments with interest and penalty without considering that respondent is itself at fault in not offering clear vacant physical possession of plot. Such illegal demands, were protested by the complainant vide letters dated 19.09.2019 and 20.09.2019 which are annexed as Annexure C7. That vide letter dated 10.08.2020 (annexed as Annexure C8) respondent stated that HT line was removed before allotment of plot and before issuance of RLA. Ld counsel for the complainant submitted that if HT( High Tension) wire was earlier removed then how it came to knowledge of complainant who could take photos of the same. Despite sending various letters, respondent did not pay any heed to these issues since 2018. During pleadings, ld counsel for complainant requested for refund of the deposited amount or issuance of fresh RLA by the respondent.

2. Ld counsel for the respondent stated that complainant was allotted plot No. 2259 vide allotment letter dated 05.12.2018. Further, complainant deposited

  
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15% of the cost of plot and additional 25% of the cost of plot payable within 60 days without any interest and beyond 60 days along with interest at the rate of 15 % per annum. That complainant failed to deposit the 15% price of the plot within stipulated period of 60 days of date of issuance of Regular Letter of Allotment. That vide email dated 21.02.2019, complainant stated that principal amount plus interest may not be charged as per the installment mentioned in RLA, until the HT line is not removed. In this regard matter was referred to field office which submitted that as per report dated 19.12.2019, annexed as Annexure R1, submitted by UHBVNL, the HT line passing over the plot no. 2260 and nearby plot no. 2259 and poles were shifted on 28.11.2018, i.e., prior to allotment of plot in favour of complainant. Further, complainant vide letter dated 23.04.2019, had thanked the corporation for removal of HT lines and sought the scheduled for payment of cost of plot, annexed as Annexure C5 of complaint. That respondent vide letter dated 13.09.2019 informed the complainant that his request for permission to deposit 15% plot cost along with applicable interest has been considered and requested the complainant to deposit 15% of cost of the plot along with applicable interest at rate of 12% per annum. In spite of making payments, complainant vide letter dated 20.09.2019 insisted that installment be rescheduled. Vide letter dated 14.01.2019, complainant filed appeal before Hon'ble Chief Minister, Haryana with the request not to charge the interest, annexed as Annexure R2. The request of

A handwritten signature in blue ink, appearing to read 'Ramesh', with a horizontal line underneath it.

complainant was rejected due to reason that HT line was removed before allotment of plot and RLA was issued after removal of HT line. Thereafter also, complainant did not make payment and as a result respondent cancelled the allotment of plot vide letter dated 06.10.2021, annexed as Annexure R3. Complaint is not maintainable as plot has been cancelled, moreover, complainant had paid only 10% of amount.

3. On perusal of file, Authority observes that complainant sought the relief of possession and compensation with delay possession charges, refund is not mentioned as relief in complaint whereas orally the ld counsel for complainant requested for relief of refund or issuance of fresh RLA by the respondent. Authority observed that relief sought by complainant is not clear as complainant cannot seek both the reliefs at the same time. To this ld counsel for complainant request for amendment of his application. His request is accepted.

4. Case is adjourned to 22.02.2024.



.....  
NADIM AKHTAR  
[MEMBER]



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DR. GEETA RATHEE SINGH  
[MEMBER]