



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1238 OF 2022

1. Guru Prakash Avvaru
2. Suresh Kumar Avvaru

C/o Sh. Sh. A, Prabhaths Signecher Sathavahana Nagar, Kalamandir lane,
Kukarpally, Hyderabad, Telangana-500072COMPLAINANTS

Versus

M/s Achievers Builders Pvt. Ltd.,

Address: Kalindi Hills, Sector 49, Faridabad, Haryana-121001

Registered Address: 15 Shopping Centre, Part-1, Sector-15A, Faridabad,
Haryana-121007RESPONDENT

CORAM:

Dr. Geeta Rathee Singh
Nadim Akhtar

Member
Member

Date of hearing: 21.09.2023

Hearing- 5th

Present: Mr. Jagan Nath Bhandari, Ld. Counsel for the complainant through
VC.
Ms. Rupali Shekhar Verma, Ld. Counsel for the respondent through
VC.

ORDER (NADIM AKHTAR - MEMBER)

1. Today, Authority has heard this matter at length. After hearing both the parties, the Authority had directed the complainants counsel to

prove his locus standi for institution of this complaint since more than fifteen years have been elapsed from the date of booking and allotment of the unit in question in the year 2006 accompanied with offer of possession letter dated 15.12.2008 issued by the respondent to the complainants after receiving occupation certificate on 07.11.2007. He was also asked to apprise the Authority as to whether he had availed any legal remedy to redress his grievances during these years. However, he failed to answer the said queries as to why he has not availed any legal remedy before any forum to redress his grievances since 2008 and kept mum for more than 15 years.

2. Further, Authority observed that a villa/unit no. 4555 of 153 Sq. yards in the project 'Status Expandable Villa' of respondent company; 'M/s Achievers Builders Pvt. Ltd', situated at Sector-49, Kalindi Hills, Faridabad, Haryana was allotted to complainants vide allotment letter dated 31.8.2006. As per clause 9(a) of allotment letter, the construction of the villa/unit was to be completed within a period of 18 months. Thereafter, an offer of possession was made by respondent after completion of project vide letter dated 15.12.2008 which was not accepted by the complainants on the ground that project was not complete and basic facilities are not complete in unit allotted. However, it is clear that project in question had been completed long back and offer has already been made on 15.12.2008 after receiving



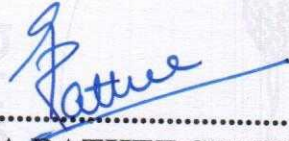
occupation certificate dated 07.11.2007 from the office of Municipal Corporation, Faridabad. Also, complainants have alleged to have paid the entire consideration of Rs. 45,55,000/- against basic sale price of Rs. 44,95,500/-, by making the last payment of Rs. 2,84,775/- on 15.12.2014, i.e., after the offer of possession by respondent. However, no receipt of said last payment has been placed on record by complainants nor the fact of said last payment has been admitted by the respondent and only the proof of Rs. 42,70,725 is available on record which were made before the offer of possession.

3. After considering the facts and arguments of the case, Authority prima facie is of the view that the complainants did not come forward to pay the outstanding dues as per offer letter dated 15.12.2008 and to take possession till date. At this stage, after expiry of 15 years of offer of possession, complainants should not be allowed to take the benefit of their own wrongs who themselves are not coming forward to take possession after paying the outstanding dues and to execute the conveyance deed in their favour.
4. It is a matter of record that complainants had booked the villa/unit in the year 2006 which was offered in the year 2008 by respondent vide letter dated 15.12.2008 after receiving occupation certificate. However, the complainants have failed to take the matter with respondent since then to take possession after paying the outstanding



dues and to execute the conveyance deed in their favour and kept mum for so many years without pursuing any legal remedy before any forum. It is evident that complainants were lackadaisical. Now, after more than 15 years, complainants have filed the present complaint which is not maintainable being barred by limitation. Accordingly, the complaint filed by the complainants stands **dismissed** being barred by limitation.

5. File be consigned to the record room after uploading the order on the website of the Authority.



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Dr. GEETA RATHEE SINGH
[MEMBER]



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NADIM AKHTAR
[MEMBER]