



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Complaint no.:	984 of 2021
Date of filing:	01.09.2021
Date of first hearing:	05.10.2021
Date of decision:	03.10.2023

Manoj Kumar

R/o 696, Pana-Gara, VPO Barhi(40)

Jhajjar, Haryana

....COMPLAINANT

VERSUS

Omaxe Ltd.

Regd. office:-7, Local Shopping Centre,

Kalkaji, New Delhi- 110019

....RESPONDENT

CORAM:

Dr. Geeta Rathee Singh

Member

Nadim Akhtar

Member

Present: -

None for the complainant.

None for the respondent.

Geeta Rathee

ORDER (Dr. GEETA RATHEE SINGH - MEMBER)

1. Detailed and reasoned order in the present case was passed by the Authority in this complaint on 15.12.2022. However, it was listed on 28.02.2023 for limited purpose of placing on record proof of payment (receipts) of ₹30,54,986/-.
2. On the next date of hearing, i.e, 28.02.2023, counsel for the complainant sought an adjournment to submit receipts. Said receipts were submitted by the complainant on 04.05.2023. Thereafter, on hearing dated 13.09.2023, counsel for the respondent sought time to check the receipts and statement of accounts filed by the complainant.
3. Order passed by the Authority dated 15.12.2023 stands confirmed as sufficient opportunities have been is granted to both the parties for submission of receipts and checking of the same.
4. Today, none appeared on behalf of both the parties. Case was reserved for passing final orders. On perusal of the receipts filed by the complainant on 04.05.2023, it is revealed that the statement of accounts filed by the complainant is same as it was earlier filed by the complainant and is unsigned. Further, on perusal of the receipts submitted by the complainant, it is observed that receipts for an amount of ₹23,22,346/- have been filed against the alleged paid

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amount of ₹30,54,986/-. Receipt at annexure A-3 of the application dated 04.05.2023 is not legible. It is observed that complainant was given the direction to place on record the receipts in December 2022, however the same were submitted in May 2023 that too without sufficient proof of the entire payments of ₹30,54,986. In these circumstances, case is being decided on the basis of available record.

5. Accordingly, respondent will be liable to pay the complainant interest from the date amounts were paid till the actual realization of the amount. Complainant has sought refund of ₹30,54,986/-, whereas proofs of payment of total amount of ₹23,22,346/- have been annexed. Hence, Authority directs respondents to refund to the complainant the paid amount of ₹23,22,346/- along with interest at the rate prescribed in Rule 15 of Haryana Real Estate (Regulation and Development) Rules, 2017, i.e, at the rate of SBI Highest Marginal Cost of Lending Rate (MCLR)+ 2 % which as on date works out to 10.75% (8.70% + 2.00%) from the date amounts were paid till the actual realization of the amount. Authority has got calculated the total amount along with interest calculated at the rate of 10.75% till the date of this order and said amount works out to ₹18,39,032/- as per detail given in the table:



Sr. No.	Principal Amount	Date of payment	Interest Accrued till 03.10.2023
1.	300000	2012-08-28	358196
2.	149366	2017-06-20	101048
3.	372328	2017-03-07	263399
4.	428014	2016-01-12	355738
5.	180000	2012-12-04	209722
6.	372330	2016-12-09	273051
7.	3000	2018-03-27	1782
8.	82242	2019-09-20	35727
9.	150000	2017-12-15	93613
10.	160023	2018-06-29	90631
11.	125043	2019-08-02	56125
Total	23,22,346/-		18,39,032/-

DIRECTIONS OF THE AUTHORITY

6. Hence, the Authority hereby passes this order and issues following directions under Section 37 of the Act to ensure compliance of obligation cast upon the promoter as per the function entrusted to the Authority under Section 34(f) of the Act of 2016:

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(i) Respondents is directed to refund the entire amount of ₹41,61,378/- to the complainant.

(ii) A period of 90 days is given to the respondents to comply with the directions given in this order as provided in Rule 16 of Haryana Real Estate (Regulation & Development) Rules, 2017 failing which legal consequences would follow.

7. **Disposed of.** File be consigned to record room and order be uploaded on the website of the Authority.



.....
NADIM AKHTAR
[MEMBER]



.....
Dr. GEETA RATHEE SINGH
[MEMBER]