

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

Complaint No. RERA-PKL-588 of 2018

Pawan Kumar Goyal and another. ...Complainant.

Versus

M/s Samar Estates Pvt. Ltd. ...Respondent.

Date of hearing:- 06.12.2018.

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

Appearance:- Shri S.K. Yadav, Advocate for complainant.
Shri Tarun Gupta, Advocate for respondent.

ORDER:-

The Authority on last date of hearing had adjourned the case granting opportunity to the parties to amicably settled the dispute. The respondent was directed to give a written offer of settlement to the complainant within one week.

2. Learned counsel for the complainant while conceding that a draft settlement was sent by the respondent has submit that the offer is not acceptable to the complainant. So, the Authority has decided to dispose of the case on merits.



3. There is no dispute between the parties that the complainant had booked a flat in respondent's project "Ess Vee Apartments" situated at Panchkula and buyer's agreement was executed on 17.05.2011. It is also not disputed that the complainant has already paid Rs. 57,07,338/- out of sale consideration of Rs. 67.70 lacs till 2016 and the respondent who, in terms of buyer's agreement, was obliged to offer possession within three years, has failed to do so.

4. Today, the learned counsel for the respondent has submitted that 80% project is already complete and he will hand over possession to the complainant and other allottees by December, 2019.


5. For the interest of non-complainant allottees and to provide an opportunity to the respondent for completing the project, the Authority in view of the present status of project and the intention of the promoter for completing the project and handing over possession to allottees by December, 2019, has decided to dispose of the complaint with the direction that the respondent shall handover the possession to the complainant by December, 2019* failing which he shall be liable to refund the complainant which already paid amount along with interest at the rate provided under Rule 15 of the Haryana Real Estate Regulatory Authority (HRERA) Rules, 2017. In the eventuality of non-completion of the project by 31.12.2019 and the respondent becoming liable to refund the amount, the respondent shall refund the amount in two instalments within 60 days of incurring of such liability. First instalment shall be paid



* 'words 'March 2019' substituted for words 'December 2019' vide order dated 11.09.2019 passed by the Authority in complaint no.1109/2019 titled Pawan Kumar Goyal and Anr V/S Samar Estates Pvt Ltd.

within 30 days and the balance amount in the next 30 days failing which the respondent who has already delayed the project beyond the date stipulated in the buyer's agreement, shall be liable to pay penal interest of 18% p.a. on the outstanding amount till its actual payment.

6. Case is disposed of accordingly and file be consigned to the record room.


Anil Kumar Panwar
Member


Rajan Gupta
Chairman

