



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Complaint no.:	175 of 2021
Date of filing:	26.02.2021
Date of first hearing:	27.04.2021
Date of decision:	22.11.2023

Ramchander Verma Roshni Devi
R/o Maharashtra Seamless Limited
C3/007, Pipe Nagar, Village: Sukeli
Taluka Roha, District Raigad,
Maharashtra-402126

....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: - Mr. Ajit Sihag, Counsel for the complainants through
 VC.

 Mr. Arjun Sharma, Counsel for the respondent through
 VC.

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 ₹33,66,411/-.
2. On the next two dates of hearing i.e, 28.02.2023 and 18.05.2023, none appeared on behalf of the complainants however an application dated 02.03.2023 was submitted by the complainant for proving his payment. Said application is taken on record. Thereafter in the hearing dated 13.09.2023, counsel for the respondent sought time to check the receipts and statement of accounts filed by the complainant.
3. Today, Id. Counsel for the complainant submitted that statement of accounts for proving the payment has been filed by complainant vide application dated 02.03.2023 and requested to pass final order in present case. Id. Counsel for the respondent has not objected to the said statement of accounts.
4. In these circumstances, order passed by the Authority dated 15.12.2023 stands confirmed. Accordingly, respondent will be liable to pay the complainant interest from the date amounts were paid till the actual realization of the amount. Hence, Authority


Geeta Rathee

directs respondents to refund to the complainant the paid amount of ₹33,66,411/- 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% (8.75% + 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 Rs. 3164971/- as per detail given in the table below:

Sr. No.	Principal Amount	Date of payment	Interest Accrued till 22.11.2023
1.	300000	2012-08-29	362525
2.	180000	2012-12-17	211684
3.	323350	2013-06-15	363124
4.	426655	2014-06-05	434528
5.	294698	2014-12-11	283732
6.	146164	2016-04-08	119890
7.	149365	2017-02-14	108790
8.	195364	2017-07-13	133720
9.	72379	2017-09-12	48241



10.	426622	2014-01-27	450703
11.	294699	2014-06-05	300137
12.	148000	2015-08-19	131552
13.	150000	2016-01-27	126217
14.	259115	2020-08-29	90128
Total	3366411		3164971

DIRECTIONS OF THE AUTHORITY

5. 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:

(i) Respondents is directed to refund the entire amount of Rs. 65,31,382/- 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.

[Handwritten Signature]

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

Nadim

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NADIM AKHTAR
[MEMBER]

Geeta

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Dr. GEETA RATHEE SINGH
[MEMBER]

