



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1090 OF 2019

Bhuvan Vikaram Singh

....COMPLAINANTS(S)

VERSUS

BPTP Ltd

....RESPONDENT(S)

CORAM: Rajan Gupta

Chairman

Anil Kumar Panwar

Member

Dilbag Singh Sihag

Member

Date of Hearing: 24.10.2019

Hearing: 3rd

Present: Ms. Priyanka Dalal, counsel for the complainant

Shri Hemant Saini, Counsel for the Respondent.

ORDER: (DILBAG SINGH SIHAG-MEMBER)

1. Complainant's case is that he was allotted a residential independent floor bearing number 722-31 measuring 1203 sq. ft. in the respondent's project 'Park Elite Floors' on 24.12.2009. Flat buyer Agreement was executed on 24.08.2010 between the parties, there after an addendum to the agreement dated 23.09.2010 was also executed. Complainant allottee opted for

Construction linked plan. He has paid Rs. 10,66,812/- till date against total sales consideration of Rs. 22,37,003/-. Possession of the said flat was to be delivered till 23.08.2012 as per clause 4.1 of the flat buyer Agreement. However respondent vide an e mail dated 04.11.2014, assured the complainant that ~~the~~ possession will be delivered in 2017 but failed to fulfil his commitment. Respondent in his statement of accounts dated 27.01.2017 has shown total paid amount as Rs. 8,78,780/- against the receipts of Rs. 10,66,812/-. attached by the complainant. Complainant vide an email dated 29.01.2018 requested respondent to refund his entire paid amount however respondent vide his e mail dated 08.02.2018 sought time to initiate refund process. In this background, complainant wishes to withdraw from the project as there is no scope of delivery of possession in the near future also and sought refund along with interest.

2. Respondent has not filed his reply in the present case even after giving him three opportunities to file the same.

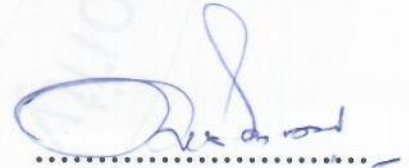
3. Authority observes that respondent in his email dated 08.02.2018, has conceded that he would initiate refund process of the complainant. Therefore, respondent is directed to refund entire amount i.e Rs. 10,66,812/- along with interest at the rate prescribed in Rule 15 of Haryana Real Estate (Regulation and Development) Rules, 2017 i.e at the rate of SBI highest

marginal cost of lending rate (MCLR) + 2 % from the date of amounts received till the actual realization. The total amount along with interest calculated as above is Rs. 22,02,123.65/-. Half of the total sum payable to the complainant shall be paid within 45 days from the date of uploading of this order and remaining in next 45 days.

The complaint is accordingly, **disposed of**. Cost of Rs. 10,000/- payable to the Authority for not filing the reply shall also be paid by the respondent. Files be consigned to record room after uploading order on the website of the Authority.



**RAJAN GUPTA
(CHAIRMAN)**



**ANIL KUMAR PANWAR
(MEMBER)**



**DILBAG SINGH SIHAG
(MEMBER)**