



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### COMPLAINT NO. 614 of 2019

Leela Kanoi and Parmeswar L Kanoi

....COMPLAINANTS

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....RESPONDENT

**CORAM: Parneet Singh Sachdev**

**Chairman**

**Nadim Akhtar**

**Member**

**Chander Shekhar**

**Member**

**Date of Hearing:** 11.07.2024

**Hearing:** 24<sup>th</sup>

**Present:** Mr. Ashutosh, legal representative of complainants  
None for respondent

### ORDER (PARNEET SINGH SACHDEV - CHAIRMAN)

1. Complainants in their complaint have pleaded that, complainant no. 1 had booked a Flat no. 804, Tower D, located at 8<sup>th</sup> floor in respondent's project namely "California Country", Sector 80, Faridabad, Haryana jointly with her husband Mr. Parmeshwar L. Kanoi, i.e, complainant no. 2. Complainants entered into an apartment buyer agreement with the respondent on

20.01.2009. Respondent was under an obligation to handover the possession of the booked unit to the complainants within 36 months from the date of sanction of building plans. Complainants have paid an amount of ₹39,30,890/- against the total sale consideration of ₹49,64,765/-. Complainants visited the site of the project to verify the actual status of the project. However, project in question was completely in vacuum and there was no sign of completion. Therefore, complainants are seeking relief of refund of the amount paid by them along with an interest at the rate of 18% being interest rate charged by the respondent on account of default in payment by any allottee as per clause 2.1 of the agreement. Additionally, complainants seek payment of ₹5lakhs on account of harassment and mental agony and also on account of litigation cost.

2. Authority observes that complainants have not appeared before the Authority since last 19 hearings. Today is the 24<sup>th</sup> hearing and someone namely Mr. Ashutosh Kumar appeared on behalf of complainants and claimed to be the lawful representative of the complainants. However, perusal of the file reveals that Mr. Ashutosh Kumar had only annexed his Aadhar card as proof of his identity. Other essential documents required to establish his authority, such as a power of attorney or a letter of authority, proof of relationship was not



submitted by him. Due to absence of these critical documents, there arises no formal evidence to confirm Mr. Ashutosh Kumar's authorization to act on behalf of the complainants. Therefore, in the absence of the necessary documentation to validate Mr. Ashutosh Kumar's representation, the Authority deems appropriate to conclude that no one has appeared on behalf of the complainants at today's hearing also.

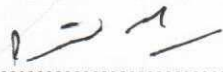
3. Furthermore, complainants are seeking relief of refund of paid amount of ₹39,30,890/- along with interest from the Authority. However, perusal of files reveals that the complainants have provided only receipts for ₹6,06,335/- as evidence of the amount paid. For the remaining sum, the complainants have submitted a statement of account. However, this statement does not provide a clear breakdown or sufficient detail to ascertain the total amount paid by the complainants. Without such clarity, it is difficult to verify the total amount paid, validate the refund claim, and determine the exact amount that needs to be refunded, including any interest.
4. Given that the complainants have repeatedly failed to appear in hearings and have not provided necessary documentation to validate relief of the complainants, the Authority concludes that the complainants are not serious about pursuing the case. Consequently, due to the complainant's lack of

engagement and failure to prosecute the matter effectively, Authority decides to dispose of the captioned **complaint as dismissed** for non prosecution, leaving the complainants at liberty to file fresh complaint.

5. Hence, the complaint is accordingly **disposed of** in view of above terms. File be consigned to the record room after uploading of the order on the website of the Authority.

  
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**CHANDER SHEKHAR**  
[MEMBER]

  
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**NADIM AKHTAR**  
[MEMBER]

  
.....  
**PARNEET SINGH SACHDEV**  
[CHAIRMAN]