



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### 1. COMPLAINT NO. 768 OF 2018

Sunita Rani

....COMPLAINANT(S)

VERSUS

Raheja Developers Ltd.

....RESPONDENT(S)

**CORAM:** **Rajan Gupta**  
**Anil Kumar Panwar**  
**Dilbag Singh Sihag**

**Chairman**  
**Member**  
**Member**

**Date of Hearing:** 22.10.2019

**Hearing:** 7<sup>th</sup>

**Present: -** Mr. Ajay Chhikara, Counsel for the complainant.

Mr. Kamal Dahiya, Counsel for the respondent.

### ORDER (RAJAN GUPTA-CHAIRMAN)

1. The case of the complainant is that he has paid sums of Rs. 6,92,053/- and Rs. 41,03,830/- on 21.02.2013 and booked a shop in respondent's project namely Raheja's Highway Arcade, Dharuhera, Rewari. The complainant

was allotted shop no. 0026 on 01.06.2013 for a basic sale price of Rs. 67,13,830/- at the rate 6000 per sq. ft. under the construction linked plan, out of which the complainant has already paid an amount of Rs.47,95,883/- till 06.04.2016. The possession was to be handed over within 36 months from the date of execution of agreement but even after lapse of more than 5 years from the date of booking the respondent has failed to complete the development work.

Under these circumstances, the complainant is compelled to file the present complaint seeking the refund of entire amount paid i.e. Rs. 47,95,883/- along with interest at the rate of 18%.

2. The contentions of respondent are that the project has already been completed, and occupation certificate has also been received on 27.06.2016. The possession has not been offered yet as complainant has made payment of only Rs. 47,95,883/- out of total consideration of Rs.1,08,57,546/- i.e. only 44 percent out of total consideration. Despite so many reminders, complainant didn't make payments on respective time, so he is not entitled to the relief he has prayed for.

3. The Authority observes that, the project is already complete and occupation certificate has already been granted to the respondent but possession has not been offered yet, therefore, the complainant is not entitled to the relief of refund in the overall interest of the project. Therefore, the Authority directs the respondent to issue offer of possession to the complainant also detailing out the outstanding amount due from the complainant and also the amount of

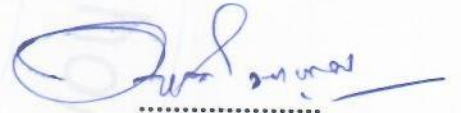


compensation payable to the complainant on account of delayed delivery of possession from deemed date of delivery of possession till the actual date of handing over in accordance with the principle laid down in complaint no. 113 of 2018 titled "Madhu Sareen V. M/s BPTP Ltd. and Parksah Chand Aarohi V. Pivotal Infrastructure Pvt. Ltd." Complainant shall be at liberty to file a fresh complaint for redressal of any grievance that he may have regarding the statement of accounts.

4. **Disposed of.** Order be uploaded on the website and files be consigned to the record room.



RAJAN GUPTA  
[CHAIRMAN]



ANIL KUMAR PANWAR  
[MEMBER]



DILBAG SINGH SIHAG  
[MEMBER]