



Complaint nos. 714, 715,
724, 725, 726,
727, 728/2018

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 714 OF 2018

Kamlesh Kumar GuptaCOMPLAINANT

VERSUS

Ansal Properties and Infrastructure Ltd.RESPONDENT

2. COMPLAINT NO. 715 OF 2018

Kamlesh Kumar GuptaCOMPLAINANT

VERSUS

Ansal Properties and Infrastructure Ltd.RESPONDENT

3. COMPLAINT NO. 724 OF 2018

Gravity Financial Services Pvt. Ltd.COMPLAINANT

VERSUS

Ansal Properties and Infrastructure Ltd.RESPONDENT

4. COMPLAINT NO. 725 OF 2018

Gravity Financial Services Pvt. Ltd.COMPLAINANT

VERSUS

Ansal Properties and Infrastructure Ltd.RESPONDENT

5. COMPLAINT NO. 726 OF 2018

Gravity Financial Services Pvt. Ltd.COMPLAINANT

VERSUS

Ansal Properties and Infrastructure Ltd.RESPONDENT

6. COMPLAINT NO. 727 OF 2018

Gravity Financial Services Pvt. Ltd.COMPLAINANT

VERSUS

Ansal Properties and Infrastructure Ltd.RESPONDENT

7. COMPLAINT NO. 728 OF 2018

Rajesh Kumar AgarwalCOMPLAINANT

VERSUS

Ansal Properties and Infrastructure Ltd.RESPONDENT

8. COMPLAINT NO. 729 OF 2018

Rajesh Kumar AgarwalCOMPLAINANT

VERSUS

Ansal Properties and Infrastructure Ltd.RESPONDENT

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

**Chairman
Member
Member**



Date of Hearing: 22.10.19

Hearing: 8th

Present: - Sh. Vikasdeep, Counsel for the complainants.
Sh. Sunny Tyagi, Counsel for the respondent.

ORDER (RAJAN GUPTA- CHAIRMAN)

1. In all the above-captioned complaints, complainants are praying for possession of their respective units along with delay compensation. On the last date of hearing i.e. 28.08.19, these matters were discussed at length and following information was solicited from the respondent: -
- (i) A copy of the layout plan approved by the Town Planning Department indicating the affected area and location of plots of the complainants in affected zone.
 - (ii) Whether the respondent has complied with the objections as pointed out by the department for freezing the zoning of area. If so, update the Authority in this regard.
 - (iii) Details of allotted plots and whether possession has been given to any of them.
 - (iv) List of unallotted plots in the project.



However, respondent has failed to submit the above-mentioned information even after expiry of almost two months from the date of the last order. Even today the respondent has sought adjournment on the ground that he needs some more time to supply the information.

2. The respondent submitted that since the present complaint, in as much as, it also involves relief of compensation and interest, is only maintainable before the Adjudicating Officer.

The respondent has submitted a copy of their letter dated 22.5.2017 addressed to Director, Town & Country Planning Department, Haryana. In the said letter it has been indicated that initially the license for the land in question was granted to M/S Intime Promoters Pvt. Ltd. Later on, an application was filed by M/S Intime Promoters Pvt. Ltd. to transfer the license in favour of M/S Ansal Properties. In-principle approval in respect of license no.760-785 of 2006 for land area, measuring 42.10 acres was granted by the department in August, 2007. As the letter shows the transfer process in respect of the entire 42.10 acres could not be completed, however, by April, 2010 transfer of 20.47 acres was completed and another 5.7 acres were transferred in the year 2012. Subsequently zoning plan was also approved in 2014. Somewhere in between due to change of plans by the State Government, the transfer in respect of the remaining land out of the 42 acres was frozen by the department. Thereafter, the respondents stopped development of the project. The respondents have, therefore, pleaded force



majeure conditions for not being able to develop the project and offer possession.

3. The Authority observes and orders as follows: -

- (i) Regarding the plea of lack of jurisdiction of this Authority in dealing with this matter, the same is not admissible in view of the amended Haryana Real Estate (Regulation & Development) amendment Rules, 2019 as notified in the Haryana Government Gazette dated 12.9.2019. Accordingly, this Authority has jurisdiction to deal with this matter.
- (ii) These matters came before this Authority in the month of November, 2018. Almost one year has elapsed and respondent has been seeking adjournments on one pretext or the other. Repeatedly, the respondent has failed to comply with the orders of the Authority. Despite service of notice to the respondent on 10.11.18, respondent filed his reply on 18.04.19 and again the respondent has failed to submit the information to the Authority as asked for on the last date of hearing. This shows the lack of sincerity on the part of the respondent. The Authority follows a summary procedure while disposing of its complaints and respondent has been only trying to prolong these matters to evade his obligations.
- (iii) The project has been stopped by the Department of Town and Country Planning due to non-fulfilment of various obligations by the



respondent. He has failed to pursue the matter with the Department after the zoning of area was froze on 21.05.15. The complainants have paid their heard earned money to the respondent after being assured by him that the project will soon be completed and possession will be handed over to complainants. However, the respondent has miserably failed in fulfilling his obligations.

- (iv) The process of transfer of license had not been completed, nor zoning plans were approved. More importantly, the process is still under consideration and final plans in respect of 42 acres lands are yet to be approved. The respondent company should not have booked the plots without first obtaining all the clearances from the State Government. Without transfer of license, approval of zoning plans and lay out plan, a real estate project does not come into existence
- (v) The present complainants are pressing on possession of their plots, therefore, present complaints are disposed of with a direction to the respondent to get the license transferred, obtain all the clearances from competent Authorities which are required for completion of a real estate project and complete the construction of the project in a reasonable period of time. The respondent is, further, directed to offer possession of the booked units to the complainants as and when the project is ready and the respondent shall also supply a detailed statement in respect of payable and receivable amount to the

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complainants along with letter of possession. The respondent shall adjust in the said statement, the amount of delay compensation which shall be calculated in accordance with principles set out in **complaint no. 113 of 2018 titled as Madhu Sareen V BPTP Pvt. Ltd.** and **complaint no. 49 of 2018 titled as Prakash Chand Arohi V Pivotal Infrastructure Ltd.** Such interest shall be calculated from the deemed date of possession to the actual date of possession.

- (vi) The complainants are at liberty to come back before the Authority and file fresh complaints in case of non-compliance of this order by the respondent.

The complaints are **disposed of** in the above terms. Files be consigned to the record room and order be uploaded on the website.



RAJAN GUPTA
[MEMBER]



ANIL KUMAR PANWAR
[MEMBER]