



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

SUO MOTU COMPLAINT NO. 737 OF 2024

HRERA Panchkula

....COMPLAINANT

VERSUS

Jai Krishna Artec JV

....RESPONDENT

**CORAM: Parneet Singh Sachdev
Nadim Akhtar
Dr. Geeta Rathee Singh**

**Chairman
Member
Member**

Date of Hearing: 19.09.2024

Hearing: 2nd hearing

Present: - Ms. Aditi Pundhir, counsel for the respondent through VC.

ORDER (PARNEET S SACHDEV – CHAIRMAN)

1. Present suo- motu complaint has been registered as respondent promoter has filed an application before the Authority for releasing an amount of Rs. 9,72,586/- in their favour as per order dated 22.11.2023 passed by the Haryana Real Estate Appellate Tribunal.
2. A complaint no. 2824 of 2019 titled as “Saroj Khemka v. Jai Krishna Artec JV” was filed before the Authority wherein the complainant had

booked a plot bearing no. C-64 in the project named "Green Wood City" situated in Sonipat being developed by the respondent Promoter Jai Krishna Artec JV for which the Plot Buyer Agreement was executed between both the parties on 29.08.2012. As per terms of agreement, possession of the plot was to be delivered after making all the payments by the complainant, i.e., up to 2014 but no possession had been offered till the stipulated time. Further, the respondent submitted that offer of possession to the complainant had already been made on 26.08.2019, but complainant did not reply to that. On the submissions made by both the parties, the Authority vide order dated 31.05.2022 directed the respondent to pay the delay interest from deemed date of possession i.e., 18.06.2014 till 17.08.2020 on entire paid amount of Rs. 16,95,000/- to the complainant which works out to be Rs. 9,72,586/- along with a direction to hand over possession within 45 days of uploading of the order.

3. Further, the appellant had filed an appeal against the order of this Ld. Authority dated 31.05.2022 before the Haryana Real Estate Appellate Tribunal. During the course of proceedings, a settlement deed was signed between the parties by which possession was handed over to the allottee and conveyance deed was executed on 21.11.2023 on the basis of which an application for withdrawal of the appeal was filed by the respondent promoter wherein in an order passed by the Haryana Real Estate




Appellate Authority dated 22.11.23 the authority allowed releasing of the pre deposit amount. Relevant part of the said order is reproduced below:

"As the matter has been decided on the basis of settlement arrived at between the parties, the amount of Rs. 9,72,586/-deposited by the appellant promoter with this Tribunal as pre-deposit to comply with the proviso to section 43(5) of the Real Estate (Regulation and development) Act, need not to be retained by this Tribunal. Same be remitted to the Id. Authority for disbursement to appellant-promoter, along with interest accrued thereon, subject to tax liability, if any, as per law"

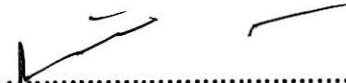
4. In light of the above said situation, present complaint is disposed of with a direction to the office to disburse the amount of Rs. 9,72,586/- along with interest to the respondent within 15 days of uploading of this order.
5. The complaint is disposed of accordingly. File be consigned to the record room after uploading of this order on the website of the Authority.



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DR. GEETA RATHEE SINGH
[MEMBER]



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NADIM AKHTAR
[MEMBER]



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PARNEET S SACHDEV
[CHAIRMAN]