



Complaint no.1416 of 2019

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 1416 OF 2019

Nishu Kapoor

....COMPLAINANT(S)

VERSUS

Raheja Developers Ltd.

....RESPONDENT(S)

CORAM: Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag

Chairman
Member
Member

Date of Hearing: 27.11.2019

Hearing: 2nd

Present: - Mr. Nishu Kapoor, complainant in person.

Ms. Rakhi, Proxy counsel for the respondent.

ORDER

1. Case of the complainant is that he applied for a plot in December 2017 in project namely "Raheja Akshara" located in Sector-14, Sohna, Mewat by depositing an amount of Rs.1,25,000/- vide cheque no. 000113. Complainant was provisionally allotted a plot bearing no. D-121, D-135 & D-122 through a provisional allotment letter dated 29.12.2018. On receipt of this letter,

complainant raised some queries regarding RERA compliance relating to sanctioned plans, date of possession, schedule of development etc. whereas promoter company not only failed to clarify his queries but also demanded balance amount from the complainant. No buyers' agreement has been signed till date. So, complainant made a request for refund of deposited amount and cancellation of his booking but the respondent company forfeited said amount.

Under these circumstances, complainant approached the Authority by filing present complaint and seeking refund of entire amount paid i.e. Rs. 1,25,000/- along with permissible interest.

2. Notice to the respondent company was successfully delivered on 01.10.2019 and respondent was granted last opportunity to appear and file his reply at least one week before the next date of hearing vide order dated 07.11.2019 but respondent did not file his reply till date. Ld. Proxy counsel appeared for the respondent further requested for adjournment to file his reply, but the same was turned down by the Authority and given some time to contact the respondent as to why the case be not heard against him ex-parte as matter is quite clear and does not require any detail comments/reply in the absence of execution of the sale agreement. Moreover, complainant has paid only initial booking amount and he sought certain information regarding the project of the respondent at the very initial stage of booking. He has a right to avail such

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information of promoter's project in view of provision of Section 11(3) of RERA Act, 2016 and the same is reproduced here for perusal and reference.

Section 11(3)

“The promoter at the time of the booking and issue of allotment letter shall be responsible to make available to the allottee, the following information, namely:-

(a) sanctioned plans, layout plans, along with specifications, approved by the competent authority, by display at the site or such other place as may be specified by the regulations made by the Authority;

(b) the stage wise time schedule of completion of the project, including the provisions for civic infrastructure like water, sanitation and electricity.”

In view of facts narrated in para 2,, Authority has decided to proceed against the respondent ex-parte as respondent has adopted a delay tactic to harass the allottee. Moreover, Authority has to decide the matter within a stipulated time of 60 days from the receipt of the complaint as per provision of Section 29(4) of the RERA Act,2016.

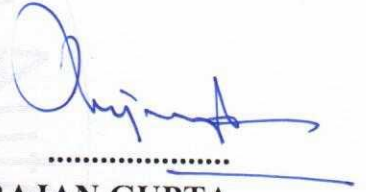
3. So, Authority is of the view that the respondent has been provided sufficient time to file his reply but he fails to avail the same for filing his reply. On the other hand, complainant has right to ask specifications of the project wherein he has shown intention to invest but respondent company has failed to provide details of the project to the complainant and instead demanding balance amount which cannot be demanded until scheduled construction work gets completed as he opted for construction linked payment plan. Even after booking of plot in 2017, no agreement had been signed by the complainant and respondent

till date. In these circumstances, complainant deserves to be granted relief as provided under Section 18 of the RERA Act, 2016. Accordingly, Authority orders refund of the paid sum to the respondent along with interest in accordance with Rule 15 of RERA Rules, 2017.

Date of Payment	Amount paid	Interest
24.12.2017	Rs. 1,25,000/-	Rs. 25,194.52/-
	Total	Rs. 1,50,194.52/-

Further respondent shall refund the entire sum of money paid by him to them along with interest within a period of 90 days.

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]