



**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana


नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा


**PROCEEDINGS OF THE DAY**


|                                |  |
|--------------------------------|--|
| Day and Date                   | Tuesday and 19.6.2018  |
| Complaint No.                  | 83/2018 case titled as Ms. Anita Sharma versus M/s Homestead Infrastructure Developers Pvt. Ltd. |
| Complainant                    | Ms. Anita Sharma   |
| Represented through            | Complainant in person  |
| Respondent                     | M/s Homestead Infrastructure Developers Pvt. Ltd.  |
| Respondent Represented through | Shri Brij Mohan Deputy Manager on behalf of the respondent.                                      |

**Proceedings**

The complainant and the respondent arrived at a settlement. Counsel for the respondent made a statement that the complainant shall be refunded the deposited amount received by the respondent alongwith interest at the prescribed rate i.e. 10.15%. It will be paid in two instalments, first instalment is to be paid on 1.7.2018 and next will be paid on 31.7.2018. In case of non-compliance of the directions of the Authority, the penal consequences will follow. Detailed order will follow. File be consigned to the Registry.

  
Samir Kumar  
(Member)

  
Dr. K.K. Khandelwal  
(Chairman)  
19.6.2018

  
Subhash Chander Kush  
(Member)

**BEFORE THE HARYANA REAL ESTATE REGULATORY  
AUTHORITY, GURUGRAM**

Complaint No. : 83 of 2018  
Date of Institution : 21.03.2018  
Date of Decision : 19.06.2018

1. Anita Sharma
2. Vimal Tripathi  
R/o 6-P-14, Mahavir Nagar Ext., Sector-06,  
Block-P, Ward The-Ladpura, Kota,  
Rajasthan-324009

**...Complainants**

Versus

M/s Homestead Infrastructure  
Development Pvt. Ltd.  
Plot no. - 15, 2<sup>nd</sup> & 3<sup>rd</sup> Floor, Sector-44  
Gurgaon, Haryana

**...Respondent**

**CORAM:**

Dr. K.K. Khandelwal  
Shri Samir Kumar  
Shri Subhash Chander Kush

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

**APPEARANCE:**

Ms. Anita Sharma  
Shri Brij Mohan, Deputy  
Manager

Complainant in person  
Advocate for the respondent



**ORDER**

1. A complaint dated 21.03.2018 was filed under Section 31 of the Real Estate (Regulation & Development) Act, 2016 read with Rule 28 of the Haryana Real Estate (Regulation and



Development) Rules, 2017 by the complainants (Ms. Anita Sharma & Mr. Vimal Tripathi) with the grievance against the promoter, (M/s Homestead Infrastructure Development Pvt. Ltd.) claiming refund of amount of Rs. 8,33,632/- along with interest paid by them in respect of a future residential project to be launched by the respondent. The complainants had submitted an expression of interest form on 14.05.2015 with respect to the unit in the upcoming project of the respondent relying on the statement made by the respondent that the project will be launched within 6 months. When the project did not get launched by the respondent, it is then the complainants requested for the refund of the amount paid by them. After repeated reminders also, the respondent failed to refund the said amount.

2. Taking cognizance of the complaint, the authority issued notice to the respondent for filing reply and for appearance. Accordingly, the respondent appeared on 07.06.2018. The case came up for hearing on 17.04.2018, 10.05.2018, 07.06.2018 & 19.06.2018. The reply has not been filed on behalf of the respondent.

3. During hearings, oral arguments have been advanced by both the parties in order to prove their contentions. As stated by the Counsel for the respondent, it was emphasized that the



complainant shall be refunded the deposited amount i.e. Rs.8,33,631/- received by the respondent along with interest at the prescribed rate i.e. 10.15%. The respondent has stated that the amount would be refunded in two instalments, first instalment will be paid on 01.07.2018 & next instalment will be paid on 31.07.2018.

4. The complainant made a submission before the Authority under section 34 (f) to ensure compliance/obligations cast upon the promoter as mentioned above. Section 34(f) is reproduced below:

***“34 (f) Function of Authority –***

*To ensure compliance of the obligations cast upon the promoters, the allottees and the real estate agents under this Act and the rules and regulations made thereunder.”*

It has been requested that necessary directions be issued to the promoter to comply with the provisions and fulfil obligation under section 37 of the Act which is reproduced below:

***37. Powers of Authority to issue directions***

*The Authority may, for the purpose of discharging its functions under the provisions of this Act or rules or regulations made thereunder, issue such directions from time to time, to the promoters or allottees or real estate agents, as the case may be, as it may consider necessary and such directions shall be binding on all concerned.*






5. The authority has complete jurisdiction to decide the complaint in regard to non-compliance of obligations by the promoter as held in **Simmi Sikka V/s M/s EMAAR MGF Land Ltd.** leaving aside compensation which is to be decided by the Adjudicating Officer if pursued by the complainant at a later stage.
6. Thus, Authority, exercising powers vested in it, hereby issue direction to the respondent to refund the amount paid by the complainants along with the prescribed interest. In case of non-compliance of the directions of the Authority, the penal <sup>proceedings</sup> shall be initiated against the respondent.
7. The order is pronounced.
8. Case file be consigned to the registry.



  
(Samir Kumar)  
Member



  
(Subhash Chander Kush)  
Member

  
(Dr. K.K. Khandelwal)  
Chairman

19/6

Haryana Real Estate Regulatory Authority, Gurugram