

**HARYANA REAL ESTATE REGULATORY AUTHORITY,
PANCHKULA.**

Complaint No. RERA-PKL-262/2018
Date: 26.09.2018

Ravinder Rathee.

...Complainant

Versus

M/s Mapsko

...Respondent

Coram:-

Shri Rajan Gupta, Chairman.
Shri Anil Kumar Panwar, Member.
Shri Dilbag Singh Sihag, Member.

Appearance:-

Shri Y.S. Rathee Advocate for complainant.
Shri Akshat Mittal & Sachin Mittal, Advocates for
Respondent.

ORDER:-

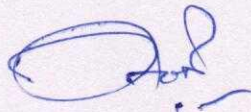
1. This is complaint for refund of Rs.10,58,324/- which complainant has paid to respondent for purchase of apartment in his project named MAPSKO City Homes, Sonipt.
2. The respondent has not disputed that flat No. 34 on 1st floor measuring 269 Sq. yds. In his above mentioned project was allotted to the complainant. He has also admitted that complainant has already paid Rs.10,58,324/- which constitutes approximately 30% of total consideration and balance amount was payable at the time of handing over possession. The respondent has however resisted the prayer for refund on the ground that he had already obtained an

occupation certificate on 13.10.2017 in respect of such part of project in which complainant's flat situates and is ready to deliver possession after completing minor works such as white wash and installation of taps etc. within a period of 30 days. Some of these works, according to respondent, were earlier not carried out to avoid the chances of theft etc.

3. The Authority on hearing the parties and considering the grant of occupation certificate, is of the considered opinion that no case is made out for refund of the amount in a case where the promoter despite just receiving 30% of total sale consideration has completed the project at his own expenses and is able to deliver possession. So, the prayer for refund is rejected and respondent is directed to complete the basic essential services of whole building in which complainant's flat situates and offer possession of the complainant's flat in terms of buyer agreement within 30 days from uploading of this order.

4. If the complainant is forced to approach the Authority again for any lapse on part of the respondent in completing the remaining work of the building and delivering possession complete in all respects, the Authority will seriously view and penalize the respondent for such lapse.

5. For the sake of clarity, it is observed that the flat shall have all the basic amenities available for complainant's use including smooth access to the said flat at the time of offering possession.

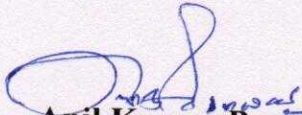


6. The Authority will also observe that the respondent shall get such portion of his project registered under Section 3 of RERA Act in respect of which the occupation certificate is not yet granted by competent authority.

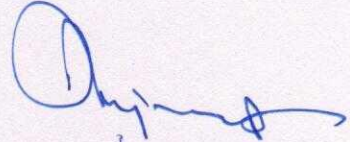
7. The complaint is **disposed of** in terms of the directions mentioned in the order. File be consigned to the record room.



Dilbag Singh Sihag
Member



Anil Kumar Panwar
Member



Rajan Gupta
Chairman