



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2982 OF 2019

Amol Vilas Kundur

....COMPLAINANT(S)

VERSUS

Conscient Infrastructure Pvt. Ltd.

....RESPONDENT(S)

CORAM:

**Rajan Gupta
Anil Kumar Panwar**

**Chairman
Member**

Date of Hearing: 25.02.2020

Hearing: 1st

Present: - Complainant in person

Mr. Neeraj Goel, Counsel for the respondent


ORDER (RAJAN GUPTA - CHAIRMAN)

1. In the present case the complainant had booked a flat in Affordable Group Housing Project being developed by the respondent by paying booking amount of ₹99,000/- against the total sale consideration of ₹19,91,908/-. Complainant then asked the respondent to execute the flat buyer agreement but no such agreement has been executed till date. Therefore, he

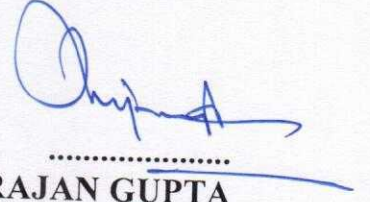
requested the respondent to cancel his allotment and return his deposited amount.

2. Respondent in his reply has contended that the complainant has failed to make any payment towards the unit after paying booking amount, and now he is requesting for cancellation of allotment. In case the request of the complainant is to be accepted, the respondent will be entitled to deduct ₹25,000/- as per Haryana Affordable Policy, 2013 read with notification dated 05.07.2019, along with 3% of total sale price amounting to ₹59,757/-. Therefore, respondent will be entitled to deduct ₹84,757/- out of the deposited amount.

3. After consideration of the matter, the Authority observes that the complainant has only paid earnest money to the respondent. No flat buyer agreement has been executed, therefore, builder – buyer relationship has not come into existence. Since, the complainant wishes to withdraw, the respondent will be well within his rights to make aforesaid deductions from the paid amount. The respondent is therefore, directed to return an amount of ₹14,243/- to complainant, which is the remaining amount after making the above deductions.



4. **Disposed of.** Files be consigned to record room and order be uploaded on the website of the Authority.



.....
RAJAN GUPTA
[CHAIRMAN]



.....
ANIL KUMAR PANWAR
[MEMBER]

