



Complaint No. 2201/2019

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2201 OF 2019

Dwarkadhis Projects Pvt. Ltd.

....COMPLAINANT(S)

VERSUS

Manish Rana

....RESPONDENT(S)

CORAM: Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag

Chairman
Member
Member

Date of Hearing: 12.03.2020

Hearing: 5th

Present: - Mr. Shubhankar Baweja, Counsel for the Complainant.
Mr. Neeraj Gupta, Counsel for the Respondent.

ORDER (DILBAG SINGH SIHAG-MEMBER)

1. The case of the complainant- builder is that respondent-allottee had booked an apartment bearing no. J-052, 5th floor, building no. -J on 25.08.2014 measuring 1225 sq. feet in respondent's project named "CASA ROMANA", Sector-22, Dharuhera, Rewari, Haryana vide builder buyer agreement dated 13.09.2014. Total sale price of the apartment was Rs. 48,76,382/- against

which an amount of Rs. 23,36,871/- excluding other charges had already been paid till date under the construction linked plan. Respondent is defaulting in making payment of Rs. 1,76,309/- as per current milestone due to which the project got in stuck situation. Hence, the present complaint.

2. Learned counsel for the respondent submits that the complainant-promoter has already paid an amount to the tune of 50% of the total sale consideration in accordance to the construction linked plan. He further submits that the possession was to be handed over to the allottee on or before 13.06.2019 but after visiting the site he was shocked to see that the builder has abandoned this tower and it is nowhere in completion stage. Therefore, he has stopped making payments as he has already paid more amount in accordance with the construction linked plan. He further averred that complainant-builder is harassing the respondent-allottee for extracting money though the project is not near to completion.

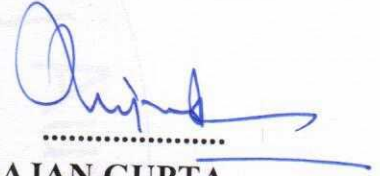
3. Learned counsel for the complainant verbally apprised that tower-J is not near to completion and he is unable to complete the tower in near future, So, he can shift the allottees of tower-J to another tower which is to be completed first.

4. Keeping in view of the above facts and written and verbal submissions of both the parties, Authority is of the view that since the respondent has already paid approximately 50% of the total sale price under construction linked plan and the same has also been admitted by the complainant-promoter.

Further, the proposal of the complainant-builder to shift the allottees of tower-J can only be possible if the concerning allottees are willing to shift and give their consent in writing with regard to the same to the respondent.

5. Authority further observes that complaint does not have any merit and genuine ground to file this complaint; hence the same is dismissed as frivolous litigation. Further, to discourage builder for filing such frivolous complaint in future, complainant is also burdened with a cost of Rs. 5,000 payables to the respondent within 30 days.

Disposed of as frivolous litigation. Files be consigned to the record room after uploading of this order of website.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]