



Complaint No. 2204/2019

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2204 OF 2019

Dwarkadhis Projects Pvt. Ltd.

....COMPLAINANT(S)

VERSUS

Ashish Kumar

....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. Manuj, Counsel for the Respondent.

ORDER (DILBAG SINGH SIHAG-MEMBER)

1. The case of complainant- builder is that respondent-allottee had booked an apartment bearing no. M-042, 4th floor, building no. -M on 21.05.2014 measuring 980 sq. feet in respondent's project named "CASA ROMANA", Sector-22, Dharuhera, Rewari, Haryana vide builder buyer agreement dated 10.06.2014. The total sale price of the apartment was Rs.

38,30,566/- against which Rs. 32,30,566/- excluding other charges had already been paid till September 2018 under construction linked plan. Respondent is defaulting in making payment of Rs. 4,39,284/- as per current milestone due to which the project got in stuck situation. Hence, the present complaint.

2. Learned counsel for the respondent submits orally that the complainant already paid an amount to the tune of 80% total sale consideration in accordance to the construction linked plan and the remaining was to be paid at the time of possession. He further submits that the possession was to be handed over to the allottee on or before 10.03.2019 but after visiting the site he was shocked to see that construction of the towers are not completed. Therefore, he has stopped making payments as he has already paid more amount in accordance with the construction linked plan. The complainant-builder is harassing the respondent-builder for extracting the money even the project is not completed.

3. 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 more than 80% of the total sale price under construction linked plan whereas complainant-builder has also admitted this fact, therefore, complaint does not have any merit and genuine ground to file; 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]

