

Haryana Real Estate Regulatory Authority, Panchkulan

Complaints Nos.

- i). 294/2018 Ajay Dutta and Another versus Ansal Properties and Infrastructure Ltd.
- ii). 295/2018 Rajeev Vaid Versus Ansal Properties and Infrastructure Ltd.

Date of hearing: on 25.09.2018

Coram: Sh. Rajan Gupta, Chairman.
Sh. Anil Kumar Panwar.
Sh. Dilbag Singh Sihaag

Appearance :

Sh. B.R.Sharma , Counsel for complainant in complaint no. 294/2018.
Sh. Joginder , Counsel for complainant in complainant no. 295/2018.
Sh. Kamal Dahiya , Counsel for respondent in both the complaints .

Order:-

1. Both the captioned complaints were heard together . This order is being passed keeping in view the facts of the Complaint no.294 titled Ajay Dutt and another Versus M/s Ansal Properties Infrastructure Ltd.
2. The Complainant's case, in brief, is that he booked a plot-A-024 in the project named Sushant City, Kurukshetra on 26.03.2010. Thereafter, buyer's agreement was executed on 27.03.2010. He had paid the entire Sale Consideration by April 2011 amounting to Rs.31,14,381.80/-,but and even then conveyance deed has not been executed by the respondent. In August 2012, demand notices for payment of enhanced EDC and maintenance charges were sent by Respondent, against which a civil suit was filed by the complainant on 09.04.2013 challenging the demand of enhanced EDC and maintenance charges. The suit was



decided in his favour by the civil court on 14.01.2016 and a decree was passed , the operative part of which is reproduced below :

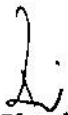
“decree for declaration to the effect that plaintiffs are entitled for credit of interest @12% p.a. on the amount lying deposited against respective plots of the plaintiff with the respondent w.e.f. respective deposit till the offer of possession after making complete development work after deducting a period of 2 years and notice dated 08.08.2018 and all other notices issued by respondent to plaintiff putting a demand of EDC at the rate of 55.60 lacs per acre and interest thereon are illegal, null and void and not binding on rights of plaintiffs and demand of defendant on account of maintenance charges of sector is illegal null and void and not binding on rights of plaintiffs is hereby passed in favour of plaintiffs and against the defendants. Further, respondent be restrained from recovering any amount or interest in the name of enhanced EDC in violation of the agreements.”

3. The complainant states that even after abovestated decree , the respondent has been wrongfully raising demands for maintenance charges. Further , the complainant alleges that even after repeated requests by complainant , at least 7 times from January 2014 to March 2016 , for executing sale/conveyance deed in his favour, the same has not been done by respondent till date. He is now praying for execution of sale/conveyance deed in his favour.
4. Even though written reply has not been filed by the respondent , today learned counsel for respondent appeared. He failed to give any satisfactory reply as to why written statement has not been filed till




date . However, he argued the case on merits and did not deny the facts cited by the complainant . He stated that respondent company has not executed the sale deed because it has appealed against the orders of the Civil judge (Jr. Division) before the appellate Court and the matter is still sub-judice .

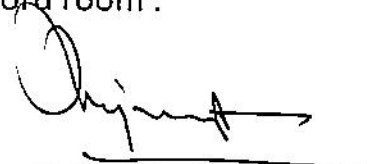
5. The arguments of both the parties have been heard . The facts alleged by the complainant have not been denied . The respondents have not delivered the possession to the complainant and have not executed the sale deed only for the reason that the respondent considers that the issue relating to the payment of enhanced EDC is sub-judice before the appellate court. It is also an admitted fact that the appellate court has not stayed the orders of the Sub-judge Junior division.
 6. In these circumstances , the authority considers it appropriate to direct the respondent to immediately execute the sale deed and handover possession to the complainant in accordance with the orders passes by civil judge junior division subject to the outcome of the matter pending before the appellate court . Both the parties however will have to take further action in accordance with the final orders of the appellate court .
- Case is disposed of and file be consigned to the record room .



Dilbag Singh Sihaag
Member



Anil Kumar Panwar
Member



Rajan Gupta
Chairman