

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

Comp No. : RERA-PKL-298/2018

Date : 25.09.2018

Hearing : 2<sup>nd</sup>

Varun Vashisht and Kusum ...Complainant

Versus

M/S Ansal Properties and Infrastructure ...Respondent

**CORAM :**

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

**APPEARANCE :**

Sh. Sandeep Dahiya Counsel for complainant  
Sh. Kamal Dahiya Counsel for respondent

**ORDER :**

1. The Case of Complainants is that they have booked a residential flat No. 902 measuring 1690 sq. ft. in Unit/ Tower No. 21 of 0102 in the project named "Green Escape" Ph-II located in Ansal API, Sec-35, Sonapat on 4.08.2012. Out of the total Basic Price of 33,44,400/-, the complainants have paid almost 40% of the sale consideration amounting to Rs. 12,57,011/, following which an undated Plot Buyer agreement was executed between the Complainants and respondent. There is no clause in agreement as to when the possession will be

9  
\_\_\_\_\_

delivered to the Complainants and what is the schedule of construction of the project . Further, the complainants allege that they had visited the site on 10.05.2015 but found that there was no construction at all on the ground . After this the complainants approached the Respondent and requested for refund of the amount paid by them, but nothing has been done by the respondent till now .

2. Later, on 11.10.2017, Complaint was lodged by a Complainant before the Inspector General of Police (I.G.), Rohtak Range and the same was taken up before D.S.P. (H.Q.), Sonapat on 5.12.17. During the hearing before the D.S.P., Mr. Asheem Sharma , a representative of respondent , stated that respondent company could not construct the apartment of the complainants due to unavoidable circumstances . However , before the DSP a settlement deed was executed between the parties whereby the respondent agreed to refund the deposited amount of Rs. 12,57,011/- with 10% interest p.a within 6 months from the date of execution of the settlement deed. But till today, respondent has not refund the amount even after repeated requests of the Complainants. Now the Complainants are praying for refund of the amount already paid along with interest @ 20% p.a..

  
\_\_\_\_\_

3. Despite notices being served upon Respondent , no reply has been filed . However , Sh. Kamal Dahiya , learned counsel for the respondent appeared today but no satisfactory reply was given as to why written statement had not been filed by the respondent .He however argued the case on merits but did not deny the fact of payment by the Complainants to the respondent company .He also admitted that a settlement deed as stated above was executed between them . Learned counsel however agreed that action will be taken in accordance with the settlement deed made in front of the D.S.P.

4. This matter is now disposed of with the direction that the respondent shall honour the terms of settlement deed made before the IG/DSP and the respondent shall refund the entire money to the complainants along with agreed interest upto the date of actual refund within a period of 15 days from the date of uploading of this order on the website of the authority .



D.S.Sihag  
Member



Anil Kumar Panwar  
Member



Rajan Gupta  
Chairman