

Complaint No. RERA-PKL-COMP. 153/2018
Date of hearing. On 09.07.2018, 3rd Hearing.
Parties names. Archana Sinha. ...Complainant
Versus
Raheja Developers Limited. ...Respondent.
Present:- i) Ms. Archana Sinha, Complainant in person.
ii) Ms. Priyanka Dalal, Advocate on behalf of respondent.

ORDER:-

Respondent has today filed his reply.

Heard. The main grievance of the complainant is that respondent has induced ~~him~~ to purchase a Plot No/ C-94 in his project named as "Akshaara" under DDJAY -Affordable Housing Scheme", situated in Sector 14, Sohna by mis-representing that the project is located in District Gurugram. However, it has subsequently revealed that the said project was situated in District Mewat (Haryana). According to the complainant, she was interested to purchase the property in District Gurugram and since the respondent on mis-representing the facts had sold the property situated in District Mewat, she is entitled to withdraw from the project and to take the refund of money which she had paid alongwith interest and compensation.

The Authority after hearing the parties and going through the record finds that the respondent in the brochure on the basis of which the public was



provided relevant information about the project had mentioned that the project was located in Sector-14, Sohna, District Gurugram, although the Town and Country Planning Department at the time of granting licence to the respondent has clearly mentioned that the project will be developed on the land situated in District Mewat. So, the respondent has not correctly represented the name of the district on the brochure and the plea of the complainant on the point that she had purchased the property under the impression that the same situates in district Gurugram. There was thus undeniably some mis-representation on the part of respondent regarding the correct district in which the property sold to the complainant situates and the complainant having acted upon such mis-representation is now entitled to refund of the amount.

However, the buyer of a property also has a duty to act vigilantly and exercise all diligence on ~~his~~ part to avoid occurrence of fraud or misrepresentation. So, the complainant ought to have made inquiries from the concerned department to ascertain the district in which Sector-14 Sohna situates. The complainant could have approached the department which had developed Sector-14 and had she made such inquiries from that department, then to find the correct district of the project must not have a difficulty for her. The fact however remains that the complainant made no such inquiry from the concerned department or from the revenue record to find out the correct district in which the land of the respondent's project was situated. Viewed from this




perspective, the complainant cannot be allowed to shift the entire blame to the shoulders of the respondent.

In the aforesaid circumstances, the Authority is of the considered opinion that ends of justice would meet if the complainant is allowed to withdraw from the project and is paid the amount which she had invested with the respondent but without payment of interest.

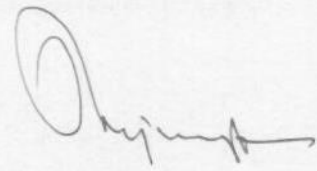
The complaint is accordingly allowed and the respondent is directed to refund the amount invested by the complainant within two months from today failing which he will be liable to pay interest @ 10% on the amount calculated from the date of expiry of aforesaid two months till the date of realization of the amount. The prayer for payment of interest and compensation to the complainant is, however, declined. Complaint is accordingly disposed of and the file be consigned to the record room.



Dilbag Singh Sihag
Member



Anil Kumar Panwar
Member



Rajan Gupta
Chairman.