

HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.

Complaint No. RERA-PKL-593 of 2018

Pawan Chawla ...Complainant.

Versus

M/s Parsvnath Developers Ltd. ...Respondent.

Date of hearing:- 14.11.2018

Coram:- Shri Rajan Gupta, Chairman.
Shri Anil Kumar Panwar, Member.
Shri Dilbag Singh Sihag, Member.

Appearance:- Shri Sandeep Dahiya, Advocate for complainant.
None for respondent.

ORDER:-

1. The complainant herein had purchased the rights of original allottee of a plot measuring 500 Sq. Yds. in respondent's project named as "Present and Future Project" situated in Parsvnath City, Near Tau Devi Lal Park, G.T. Road, Sonipat. The respondent had endorsed such rights in complainant's favour and he has not disputed that a sum of Rs. 15,46,875/- was paid to him as part sale consideration. The complainant's grievance is that the plot was booked in February, 2005 and the respondent has not delivered the possession till date. So, prayer is for refund of the paid amount.



2. After hearing the parties, it has been observed that the respondent at one point of time had agreed to refund the amount of Rs. 24,24,666/- to the complainant for final settlement of his claim and had issued him post dated cheques. The complainant could however encashed only Rs. 2.00 lacs because the remaining cheques had bounced. So, the complainant has knocked the door of this Authority. Respondent has no objection for refunding the amount of the unpaid cheques and his only prayer is that he shall be allowed six months time to refund the amount.

3. The Authority is of the considered opinion that the respondent is enjoying the hard money of the complainant since long and has also cheated him by issuing cheques which he knew that will be dishonoured due to paucity of funds. So, the Authority does not find any merit for grant of six months time for refund of paid amount. In these circumstances, the Authority directs the respondent to refund the unpaid amount of the cheques i.e. Rs. 22,24,666/- to the complainant alongwith interest at the rate prescribed under Rule 15 of the HRERA Rules, 2017. Respondent shall pay the amount in two instalments of which first 50% of the amount will be paid within 30 days from the date of upload the order and the balance 50% within next 30 days from the date of first instalment paid. It is made clear that the interest awarded to the complainant shall be paid from the date of deposited of the original amount and in case the **respondent commits default to pay the amount within the above prescribed time, he shall then be liable to pay interest @ 18% per annum on the outstanding**



amount besides incurring the liability for himself as envisaged under Section 63 of the RERA Act, 2016 for non-compliance of this order.

4. Case is **disposed of** and file be consigned to the record room.



Dilbag Singh Sihag
Member



Anil Kumar Panwar
Member



Rajan Gupta
Chairman