

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

Complaint No. RERA-PKL-552 of 2018

M/s SNG Investments through its Proprietor. ...Complainants.

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:- K.R. Khatri alongwith Shri Naveen S. Bhardwaj, Advocate
for complainant.
Shri Pranay Malhotra, Advocate for respondent.

ORDER:-

1. Complainants booked with the respondent-promoter four flats in the project situated at Dharuhera and two plots in the project situated at Rajpura. Later, the respondent having failed to deliver possession on time, had offered alternative sites and the complainants agreed for shifting to the respondent's project situated in Dharuhera. The money already paid was adjusted towards the sale consideration of two residential units allotted in the Dharuhera project. Complainants' grievance is that the respondent has not been able to even complete the project situated in Dharuhera and they have, therefore, filed the



present complaint for refund of paid amount alongwith interest and compensation.

2. The respondent in his reply has fairly conceded that the money paid against earlier projects situated in Dharuhera and Rajpura was finally adjusted in the allotment of two residential units to the complainants in the project named as "Parsvnath Elite Floors", Dharuhera. As regards the status of the project, the respondent avers that he could not complete the project situated at Dharuhera due to the reasons beyond his control and that he is ready to allot alternative property to the complainants in some other project.

3. The Authority after hearing the parties and going through the record finds that the respondent has received the money in the year 2011 and despite having persuaded the complainants for shifting to another project, has not kept his promise for delivery of possession. So, the complainants now cannot be again forced to further shift to another project of the respondent just on promoter's another assurance. Rather, looking to the previous conduct of the respondent in not abiding by the terms of contract in handing over timely possession, the Authority deem it just and reasonable to allow refund in favour of complainants.

4. Consequently, the complaint is allowed and the respondent is directed to refund the already paid amount to the complainants alongwith interest as prescribed under Rule 15 of the HRERA Rules, 2017 i.e. equivalent to the rate of State Bank of India highest marginal cost landing plus 2%. At this stage, respondent's representative has requested the Authority for allowing him six



months' time to make the payment. Such request has been opposed by the complainant but he is ready for granting 90 days time to the respondent for making payment.

5. Accordingly, respondent is directed to pay the amount in three instalments. He shall pay the first instalment comprising of 33% of the total amount within 30 days from the date of uploading of the order, second instalment comprising 33% amount in the next 30 days and the remaining amount in the next 30 days, failing which he shall be liable to pay the penal interest @ 18% per annum on the unpaid amount.

6. Complaint is accordingly disposed of and file be consigned to the record room.



Dilbag Singh Sihag
Member



Anil Kumar Panwar
Member



Rajan Gupta
Chairman