

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

Complaint No. RERA-PKL-435 of 2018

Neeraj Dhingra.

...Complainant.

Versus

M/s B.P.T.P. Limited.

...Respondent.

Date of hearing:- 06.12.2018.

Coram:-

Shri Rajan Gupta, Chairman
Shri Anil Kumar Panwar, Member.

Appearance:-

Shri Mohan Lal Dhingra for complainant.
Shri Hemant Saini, Advocate for respondent.

ORDER:-

On Appraisal of the fact that the complainant has paid nearly Rs. 13,42,675/- out of total sale consideration of Rs. 65,75,770/- and the respondent has failed to deliver him possession of the allotted unit till date, even after lapse of more than five years from the date of execution of buyer's agreement, the Authority in its order passed on 03.10.2018 has observed that the complainant cannot now be forced to pay the balance amount and he is, prima-facie, entitle to the refund of paid amount along with interest as per rules. Faced in such situation, the respondent's counsel has been seeking adjournment to settle the



matter amicably but he has not taken any serious steps either to arrive at amicable settlement or even to file his reply in the matter.

2. The Authority has, therefore, imposed a cost of Rs. 23,000/- on him for non-filing of reply. The respondent has today paid the cost but has again failed to file his reply as also to settle the matter amicably. In such situation when the respondent has failed to deliver the possession and is not able to offer any justification in the matter, the Authority is of the considered opinion that the complainant can neither be compelled to continue with the project nor even to pay the balance hefty amount of approximately Rs. 52 lac, more so, when the project is nowhere in sight as on today.

3. Consequently, the complaint is allowed directing the respondent to refund the paid amount to the complainant along with interest under Rule 15 of the HRERA Rules, 2017 from the date the amount was paid. The amount so liable to be refunded shall be paid in two instalments within 60 days. The first instalment shall be paid within 30 days from the date of uploading of this order and the remaining amount in the next 30 days. In case respondent fails to refund the amount within the stipulated period then he shall be liable to pay interest @ 18% per annum on the balance outstanding amount till its actual payment.


Anil Kumar Panwar
Member


Rajan Gupta
Chairman