



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2795 OF 2019

Amit Kumar Goyal

.....COMPLAINANT

Versus

M/s Ansal Properties and Infrastructure Ltd.

..... RESPONDENT

CORAM:

Rajan Gupta
Anil Kumar Panwar

Chairman
Member

Date of Hearing: 28.10.2020

Hearing: 2nd

Present through video call: - Sh. Chaitanya Singhal, Counsel for the complainant (complainant in person)
Sh. Ajay Ghangas, Counsel for the respondent

ORDER (ANIL KUMAR PANWAR- MEMBER)

1. The complainant in this case had booked a unit in respondent project named "Havanna Heights" situated at Sonepat and was allotted Unit No.0111-A-601. He had already paid Rs. 38,71,616/- against the total sale consideration of Rs. 1,28,16,917/-. The respondent as per terms of the agreement entered between the parties in June 2014, was required to deliver him possession by the year 2018. The complainant is seeking refund along with interest on the ground that the project is lying abandoned and the respondent has failed to deliver them possession on time.
2. Learned counsel for the complainant has today apprised the Authority that the bare structure was raised only upto 6th Floor and the work thereafter was stopped. So, the project is now lying abandoned since the last five years.
3. Learned counsel for the respondent could not dare to deny that not even Skelton work after 6th floor is started. He has however submitted that his client is ready to offer an alternative flat to the complainant in another project. Such alternative flat, per instructions of complainant counsel, is not acceptable to his client. So, the Authority is of the considered opinion that a case of refund is made out in favour of the complainant for the simple reason that the respondent has not been able to start the construction of the floor in which the complainant was allotted the flat.
4. Resultantly, the complaint is allowed and the respondent is directed to refund the already paid amount to the complainant along with interest at the rate prescribed under Rule 15 of the HRERA Rules, 2017 from the date of payment of



original amount till date of actual payment. The amount of interest on the basis of details furnished by the complainant about the dates on which each instalment was paid, has been worked out as under: -

S.no.	Amount Paid	Date-of-Payment	No.of Days	Interest Amount@ 9.30%
1.	571303/-	22.04.2014	2382	346735
2.	688946/-	06.06.2014	2337	410236
3.	24726/-	06.06.2014	2337	14723
4.	617762/-	08.07.2014	2305	362812
5.	24726/-	08.07.2014	2305	14522
6.	926638/-	08.08.2014	2274	536896
7.	37088/-	08.08.2014	2274	21489
8.	926638/-	09.09.2014	2242	529341
9.	37088/-	09.09.2014	2242	21186
10.	16701/-	23.09.2015	1863	7928
Total	38,71,616/-			22,65,868/-



Accordingly, the respondent is directed to pay Rs. 61,71,616/- (Rs. 38,71,616 principal amount + Rs. 22,65,868) to the complainant within a period of 90 days from the date of uploading of the order on the website of the Authority.

Case is disposed of in the above terms and file be consigned to the record room.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]