



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: [www.haryanarera.gov.in](http://www.haryanarera.gov.in)

**COMPLAINT NO. 1971 OF 2019**

Shalini Singhal

.....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:** 5<sup>th</sup>

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

**ORDER (ANIL KUMAR PANWAR- MEMBER)**

1. The complainant in this case had booked a unit in respondent project named " Europa Residency" situated at Sonepat and was allotted Unit No. C-101. He had already paid Rs. 16,52,584/- against the total sale consideration of Rs. 23,02,875/-. The respondent as per terms of the agreement entered between the parties in November 2009, was required to deliver him possession by the year 2013. 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 6<sup>th</sup> 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 6<sup>th</sup> 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	Mode of Payment	Proof of Payment	No.of Days	Interest Amount
1.	1,15,000/-	26.10.2009	Cheque	Receipt nos.	4021	117820
2.	5150/-	30.12.2009	Cheque	88413	3956	
3.	120150/-	30.12.2009	Cheque	88414	3956	126298
4.	120150/-	13.02.2010	Cheque	88418	3911	119730
5.	120150/-	30.03.2010	Cheque	93407	3866	118352
6.	120150/-	12.05.2010	Cheque	99304	3823	117036
7.	120150/-	18.06.2010	Cheque	106059	3786	115903
8.	33,859/-	21.05.2013	Cheque	289906	2718	
9.	1,00,000/-	21.05.2013	Cheque	289904	2718	
10.	70,000/-	21.05.2013	Cheque	289903	2718	141179
11.	1,57,840/-	29.06.2013	Cheque	294929	2679	107741
12.	71,287/-	01.08.2013	Cheque	298942	2646	48061
13.	71,286/-	19.03.2013	Cheque	305774	2597	47170
14.	71,248/-	26.11.2013	Cheque	321877	2529	45910
15.	72,850/-	12.03.2014	Cheque	334532	2423	44975
16.	71,913/-	16.04.2014	Cheque	339848	2388	43755
17.	71,756/-	12.06.2014	Cheque	351611	2331	42618

18.	71,248/-	24.07.14	Cheque	356248	2289	41553
19.	71,248/-	19.09.2014	Cheque	361832	2232	40159
Total	16,55,435					13,18,620/-

Accordingly, the respondent is directed to pay Rs. 29,74,055 (Rs. 16,55,435 principal amount + Rs. 13,18,620) 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]