

**BEFORE THE ADJUDICATING OFFICER, REAL ESTATE
REGULATORY AUTHORITY, PANCHKULA (HARYANA).**

Complaint No. RERA-PKL-777 of 2018

Desh Raj Mangla.

...Complainant

Versus

M/s Aerens Jai Realty Pvt. Ltd.

...Respondent.


Date of hearing: 06.12.2018. (1st Hearing).

Present:- Shri S.K. Gupta, Advocate for complainant.
Shri Sanjeeva Kumar, Advocate for respondent.

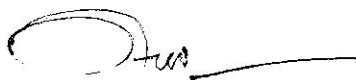
ORDER:-

The complainant herein had paid to the respondent a sum of Rs 5,45,844/- for purchase of a plot. He had purchased the rights of earlier allottee and the respondent had already endorsed transfer of such rights in his favour in January, 2007.

2. There is no dispute between the parties that the complainant had been earlier knocking the doors of different authorities for refund of the amount on the ground that the respondent had failed to deliver him possession in terms of the Letter of Allotment and the complainant was ultimately allowed such refund by the Real Estate Regulatory Authority, Panchkula in complaint case No. 75 of 2018 decided on 26.09.2018.




3. The complainant however remained dis-satisfied by the mere refund and has filed the present complaint before the undersigned for grant of compensation of Rs. 10.00 lacs due to mental agony and hardship caused to him by the respondent. The respondent has opposed his complaint averring that it is liable to be dismissed because the complainant has filed it for the same reliefs.
4. Perusal of complaint reveals that the complainant is precisely seeking two reliefs in the present complaint. First relief is for refund of the amount already paid to the respondent. Such relief has already been granted to him by the RERA Authority, Panchkula and the complainant, therefore, again cannot agitate the same relief and his complaint qua this relief deserves dismissal.
5. The other relief claim is for compensation due to mental agony and harassment caused by the respondent. The record manifests that the complainant has committed default in payment of instalment of Rs. 2,07,400/- demanded vide letter dated 31.10.2007. So, the respondent issued him a final notice dated 09.05.2008 informing that he shall pay the outstanding amount within 10 days or else his allotment will be cancelled. The complainant did not pay the amount even thereafter and the respondent then allotted the said plot to some one else. The complainant thereafter kept sleeping over his rights without contacting the respondent and making any correspondence. He awakened from sleep in the year 2012 when he filed a complaint with the police and a petition before the Consumer Redressal Forum.



6. The background of the case thus clearly shows that the complainant himself was guilty for creating the circumstances due to which the respondent could not deliver him possession of the plot and allotted it to someone else. So, the respondent cannot be held guilty of causing any such mental agony and hardship to the complainant as may warrant compensation and complaint deserves dismissal.

7. The complaint is accordingly dismissed and the file be consigned to the record room.


Anil Kumar Panwar
Adjudicating Officer.