



Complaint No.2366 of 2019

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2366 OF 2019

Deepak Kumar Jaglan

....COMPLAINANT

VERSUS

Prabhu Shanti Real Estate Ltd.

....RESPONDENT

CORAM: **Rajan Gupta**
 Anil Kumar Panwar

Chairman
Member

Date of Hearing: 20.10.2020

Hearing: 4th

Present through video conference: -

Mr. Drupad Sangwan, Counsel
for the complainant
None for respondent

ORDER (RAJAN GUPTA-CHAIRMAN)

1. The complainant herein is seeking refund of an amount of ₹39,76,593/- which he has paid to the respondent company for purchase of a flat in the project named "PDM Hi Tech Homes" situated at Sector 3-A, Sarai Aurangabad, Bahadurgarh, District Jhajjar. The claim of refund is based on the plea that the respondent had promised him to deliver possession of booked

apartment by November 2016 as per agreement dated 29.05.2014 but he failed to deliver the same till date. Since completion of the project does not appear possible in near future, he therefore, prays for refund of the amount along with interest and compensation.

2. Notice to respondent was not served due to wrong address. Therefore, in the previous hearing, the complainant was directed to deposit fee of ₹5000/- for substituted service through newspaper. The same has not been deposited. However, learned counsel for complainant had apprised the Authority that the National Company Law Tribunal (NCLT) had declared moratorium under Section 14 of the Insolvency and Bankruptcy Code 2016 (IBC), therefore, the matter is now may be proceeded against him ex-parte.

3. The complainant has been heard and record has been perused. The Authority has observed that the construction work of the project is at stand still. There is no hope of completion in near future because NCLT proceedings under Insolvency and Bankruptcy Code, 2016 (IBC) are going. It has further transpired that the Authority had disposed of complaint case complaint no.22 of 2018 titled Ashok Versus Prabhu Shanti Real Estate Ltd. relating to the same project of the respondent company. The facts of the present complaint are similar to the facts of the complaint case disposed of earlier. The dispute raised herein is squarely covered in the said orders of this Authority. Accordingly, taking notice of the above facts and circumstances, the present complaint is disposed of in the same terms as the complaint case no.22 of

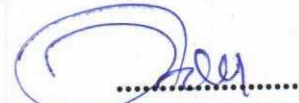


2018. The complainant may submit his claim in respect of the principal amount to be refunded and interest calculated thereon from the date of deposit till today at the rate prescribed in Rule 15 of Haryana Real Estate (Regulation and Development) Rules, 2017 i.e. at the rate of SBI highest marginal cost of lending rate (MCLR)+ 2 % from the date of deposit till today. The claim may be filed before the resolution professional for its satisfaction. Further, preferential rights have been given to the complainant as decided on 30.10.2018 in complaint no. 383 of 2018 titled as Gurbaksh Singh Versus ABW Infrastructure Pvt Ltd. and others for the purpose of recovery of the amount payable by the respondent.

5. Disposed of. File be consigned to record room after uploading of the order.



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RAJAN GUPTA
[CHAIRMAN]



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ANIL KUMAR PANWAR
[MEMBER]