



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

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

## 1. COMPLAINT NO. 960 OF 2019

Bimla Devi

....COMPLAINANT(S)

VERSUS

Universal Buildwell Pvt. Ltd.

....RESPONDENT(S)

## 2. COMPLAINT NO. 961 OF 2019

Nirmala

...COMPLAINANT(S)

VERSUS

Universal Buildwell Pvt. Ltd.

....RESPONDENT(S)

## 3. COMPLAINT NO. 963 OF 2019

Rai Singh

...COMPLAINANT(S)

VERSUS

Universal Buildwell Pvt. Ltd.

....RESPONDENT(S)

**4. COMPLAINT NO. 965 OF 2019**

Dr R C Sihag

...COMPLAINANT(S)

VERSUS

Universal Buildwell Pvt. Ltd.

....RESPONDENT(S)

**5. COMPLAINT NO. 967 OF 2019**

Ram Bhagat

...COMPLAINANT(S)

VERSUS

Universal Buildwell Pvt. Ltd.

....RESPONDENT(S)

**6. COMPLAINT NO. 304 OF 2020**

Inderjeet Sharma

...COMPLAINANT(S)

VERSUS

Universal Buildwell Pvt. Ltd.

....RESPONDENT(S)

**CORAM:**

**Rajan Gupta**

**Chairman**

**Anil Kumar Panwar**

**Member**

**Date of Hearing: 27.10.2020**





**Hearing:** 6<sup>th</sup> (in complaint nos. 960,961,963,965,967 of 2019)  
1<sup>st</sup> (in complaint no. 304 of 2020)

**Present through video conference: -** Mr. Kamaljit Dahiya, Advocate  
for complainants (in complaint  
nos.960,961,963,965,967 of  
2019)  
Mr. H.S. Arora, Advocate  
for complainant (in complaint  
no.304 of 2020)  
None for the respondent

**ORDER (RAJAN GUPTA-CHAIRMAN)**

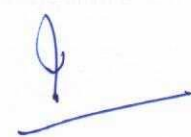
1. All the above captioned complaints are taken up together as the issues involved herein are similar and against the same respondent. Facts of complaint case no.960 of 2019 titled as Bimla Devi Versus Universal Buildwell Pvt Ltd. are taken as lead case.
2. Brief facts of the case are that in May 2006, complainant booked an apartment in the project named "Universal Greens" situated in Faridabad being developed by the respondent company Universal Buildwell Pvt. Ltd. The complainant has paid ₹7,42,125/- till 2011 against the total sale consideration of ₹27,47,176/-. Apartment buyer agreement was executed on



10.01.2012 almost after 6 years after the date of booking. As per agreement, possession of the apartment was to be delivered within 42 months from the date signing of the agreement i.e. up to 10.07.2015 but no possession has been offered even till date. Complainant visited the site of the project and requested the respondent to either refund the entire amount or hand over possession of the apartment, but no response has been received from the respondent. No construction work is going on. After a delay of 13 years even basic structure of the project is not complete. The respondent keeps on demanding outstanding payments but showing no interest in completion of the project. The complainant is now praying for handing over possession of the apartment along with delay compensation.

3. Notice to the respondent was successfully delivered on 27.04.2019 by courier and on 04.12.2019 through publication in newspaper. Despite successful service of notice, respondent has neither appeared nor filed his reply.

However, during previous hearing, learned counsel for complainants apprised the authority that NCLT proceedings under Insolvency and Bankruptcy Code, 2016 (IBC) are going against the respondent company. Therefore, the matters cannot be proceeded further. In view of the submissions made by complainant's counsel, the Authority decides to dispose of above



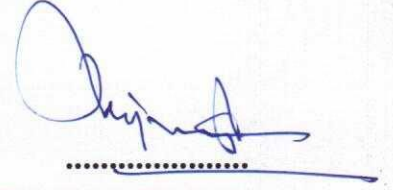


captioned complaints vide this order by proceeding against the respondent ex-  
parte.

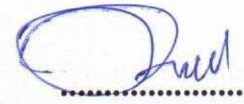
4. The Authority has observed that the construction work of the project is at stand still. There is no hope of completion in near future because NCLT proceedings under Insolvency and Bankruptcy Code, 2016 (IBC) are going. It has further transpired that the Authority had disposed of another bunch of complaints with lead case complaint no.13 of 2018 titled Om Prakash Versus Universal Buildwell Pvt. Ltd. relating to the same project of the respondent company. The facts of the present complaints are similar to the facts of the bunch matter 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 six complaints are disposed of in the same terms as the bunch of complaints with lead complaint case no.13 of 2018. The complainants may submit their claims 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.



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



**RAJAN GUPTA**  
**[CHAIRMAN]**



**ANIL KUMAR PANWAR**  
**[MEMBER]**

