

**BEFORE HARYANA REAL ESTATE REGULATORY AUTHORITY,
PANCHKULA.**

Date of Hearing: 27.11.2018

Complaint No.-557/2018

Rajiv sahni

...Complainant

Versus

Parsvnath Developers Pvt. Ltd.

...Respondent

CORAM: -

Shri Anil Kumar Panwar

...Member

Shri Dilbag Singh Sihag

...Member

APPEARANCE: -

Ms. Divyastuti, Counsel for Complainant

Sh. Pranay, Representative of Respondent

ORDER: -

Complainant had purchased a plot from original buyer i.e. Ms. Archana Gautam on 07.02.2006 in the project named "Present and Future", Sonipat. Plot buyer agreement was executed on 23.10.2004 between original buyer and respondent. Complainant had paid Rs.9,00,000/- out of total sale consideration of Rs.20,00,000/- which constitutes 50% of total sale consideration. Possession would have been delivered within 6 months from plot buyer agreement i.e. on 23.04.2005. After delay of 14 years no possession has been offered till date. Several other buyers had also protested against respondent company and one Ms. Sunita Garg also filed and FIR against him U/S 406, 420, 120B of IPC. So, complainant prayed for refund of entire amount paid till date with interest.



On the other hand, respondent company submitted that there was no intentional delay in completion of the project. Delay was caused due to acquisition of said land by the Govt. in Sonipat. He has also submitted that original allottee had applied for registration of the plot just to avail significant discount on booking of plot. At the time of booking, no location or name of the project was mentioned and the complainant was well aware of it. He has submitted that the case of Ms. Sunita Garg had already decided by refunding entire amount paid by her. Respondent company is ready to allot alternate plot to complainant subject to mutual consent.

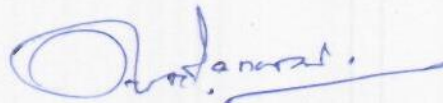
After hearing both the parties, Authority has directed respondent to refund entire amount paid by complainant at interest calculated as per State Bank of India highest marginal cost of landing rate plus 2% as prescribed under Rule 15 of Haryana State (Regulation and Development) Rules, 2017 till the actual date of payment. Respondent shall make the payment within 60 days in two instalments i.e. first instalment within 30 days and second instalment within next 30 days failing which a penal interest at 18% will be charged from the respondent.

Complaint is disposed of accordingly. File be consigned to record room.



Dilbag Singh Sihag

Member



Anil Kumar Panwar

Member