



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 2745 OF 2019

Ashok Kumar and Kusum Lata

....COMPLAINANTS

VERSUS

Ansal Properties and Infrastructure Ltd.

....RESPONDENT

CORAM: Rajan Gupta
Anil Kumar Panwar

Chairman
Member

Date of Hearing: 28.10.2020

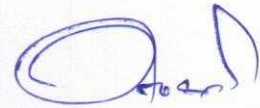
Hearing: 3rd

Present: - Sh. Ashok Kumar, complainant in person

Sh. Ajay Ghangas, Counsel for respondent through video call

ORDER (ANIL KUMAR PANWAR- MEMBER)

1. The complainants of this case had booked a flat in respondent's project named "Green Escape Apartments" situated at Sonepat and were allotted Flat No. 1 on 7th Floor in Tower-39. They had already paid Rs. 37,64,762/- against the total sale consideration of Rs. 49,60,375/- . The respondent as per terms of the agreement entered between the parties in October, 2011, was required to deliver them possession by the year 2015. The complainants are 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 complainants has today apprised the Authority that the bare structure of Tower 39 was raised only upto 6th 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 of Tower 39 was carried upto 7th floor in which the complainants were allotted the flat. He has however submitted that his client is ready to offer an alternative flat to the complainants in another project. Such alternative flat, per instructions of complainant's counsel, is not acceptable to his clients. So, the Authority is of the considered opinion that a case of refund is made out in favour



of the complainants for the simple reason that the respondent has not been able to start the construction of the floor in which the complainants were allotted the flat.

4. Resultantly, the complaint is allowed and the respondent is directed to refund the already paid amount to the complainants 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 complainants about the dates on which each instalment was paid, has been worked out as under: -

S.no.	Amount Paid	Date-of-Payment	No.of Days	Interest Amount@ 9.30%
1.	2,00,000/-	20.10.2011	9years 9days	1,67,857
2.	2,75,743/-	19-12-2011	8 years 315 days	2,27,224
3.	1,92,015/-	04.02.2012	8 years 268 days	1,55,935
4.	2,70,000/-	28.02.2012	8years 244days	2,176,20
5.	2,54,515/-	27.03.2012	8 years 216 days	2,03,328
6.	3,82,373/-	18.04.2012	8 years 194 days	3,03,335

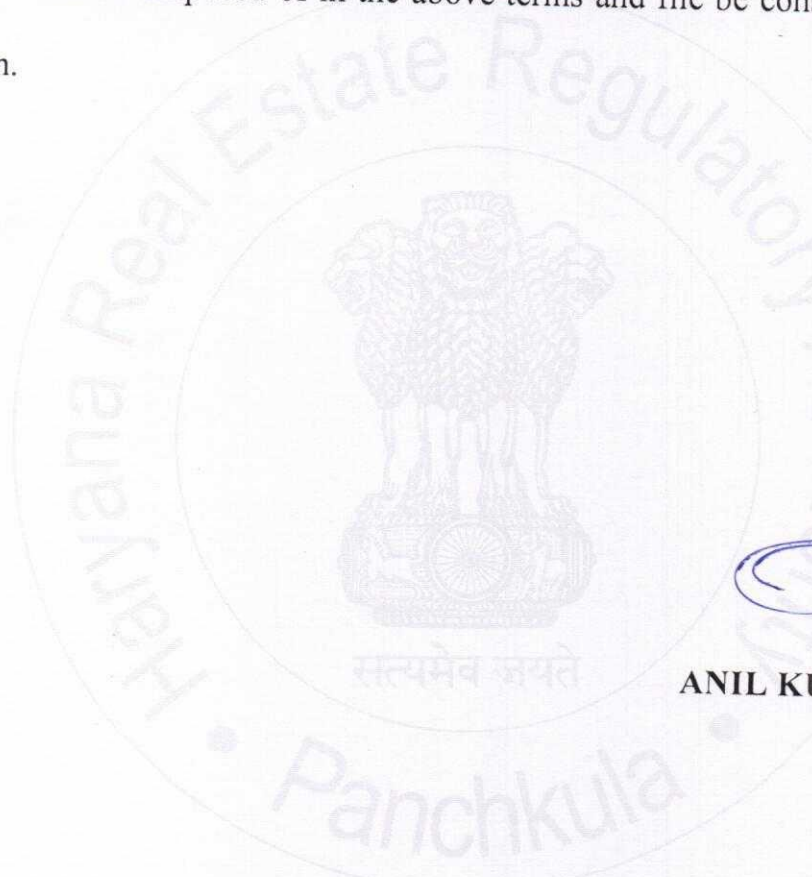


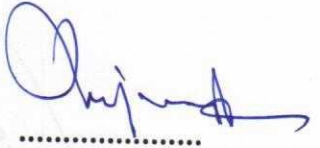
7.	2,31,772/-	22.05.2012	8 years 160 days	1,81,861
8.	5,08,734/-	20.06.2012	8 years 131 days	3,95,432
9.	1,97,952/-	21.07.2012	8 years 100 days	1,52,306
10.	2,77,129/-	25.04.2014	6 years 187 days	1,67,806
11.	2,77,129/-	23.09.2014	6 years 36 days	1,57,173
12.	2,78,230/-	01.09.2015	5 years 58 days	1,33,477
13.	2,80,920/-	01.07.2016	4 years 120 days	1,13,068
14.	1,38,250/-	01.07.2016	4 years 45 days	53010

Total	37,64,762			26,29,432/-
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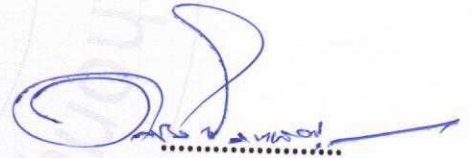
Accordingly, the respondent is directed to pay Rs. 63,94,194/- (Rs. 37,64,762 principal amount + Rs. 26,22,432) to the complainant within a period of 90 days from the date of uploading of the order on the website of the Authority.

Case is disposed of in the above terms and file be consigned to the record room.





RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]