

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

Complaint No.-741 of 2018

Date of Hearing: 11.12.2018
2nd Hearing

Sunil Mor

...Complainant

Versus

M/s Parsvnath Developers Ltd.

...Respondent

Coram:

1. Shri Rajan Gupta, Chairman
2. Shri Anil Kumar Panwar, Member
3. Shri Dilbag Singh Sihag, Member

Appearance:

1. Husband of the complainant in person
2. Ms. Rupali S. Verma, Counsel for Respondent

Order:

The case of the complainant is that he had purchased a shop in the project of the respondent, Parsvnath City Centre, Sonapat, on 1.9.2009. A shop buyer's agreement was executed on the same date. It has been duly acknowledged by the respondent that the complainant has already paid an amount of Rs.12.87 lakhs against the total sales consideration of Rs.13.54 lakhs which constitutes 95% of the total



consideration. A supplementary agreement had also been entered into between both the parties stating that the respondents would give an assured return of Rs.12801/- from the date of agreement up to the delivery of possession of the shop. The grouse of the complainant is that the possession of the shop has not been offered; only 30% construction work of the project is complete; and assured return was paid only up to June, 2017 and has been stopped there-after. The complainant demands refund of the money and payment of the assured return.

2. The case of the respondent is that Municipal Council, Sonapat allotted land measuring 4.03 acres known as Old Civil Hospital initially to M/s Prakash Infrastructures by public auction in July, 2005 for development of a commercial complex. It was later on transferred in the name of M/s Vardhman Buildtech Pvt. Ltd. in May, 2006. The land owner has paid the entire consideration amount to the Municipal Council and took physical possession. The building plan of the complex was approved in 2007. The respondents entered into a developer buyer agreement in June, 2008 with the land owner for development of the commercial complex. All rights for development, sale, etc. were transferred in favour of the respondent. The respondent then named the commercial complex as 'Parsvnath City Centre'.



The respondents have admitted all the averments made by the complainant with regard to the shop-buyer agreement, payments, and assured return. Respondent however, states that the complainant had entered into an agreement for advance registration of the showroom with M/s Vardhman Buildtech Pvt. Ltd. and not with the respondent. The respondent further states that there is no intentional delay on the part of the project and the same has been delayed for the reasons beyond their control.

The respondent has also challenged the jurisdiction of this Authority for entertaining this complaint.

3. The facts placed on record by both the parties have been examined. Oral arguments on both the sides have been heard. It is observed that the averments made by the complainant have not been denied. The respondents have received 95% of the consideration amount from the complainants since 2009. The project is not complete and offer of possession has not been made. Respondent has even stopped payment of monthly assured returns from June, 2017.

The Authority further observes that this project has been registered with it under RERA Act. Certain time lines for completion of the project have been declared in the application for registration of the project. Accordingly, the respondents are directed to complete the project within

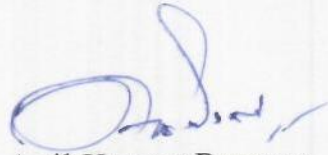


the time schedule specified in the Registration Certificate. They are also directed to immediately resume payment of monthly assured returns to the complainant. The outstanding amount in respect of monthly assured returns w.e.f. June, 2017 shall be paid within 45 days along with interest calculated at the rate specified in Rule 15 of the RERA Rules.

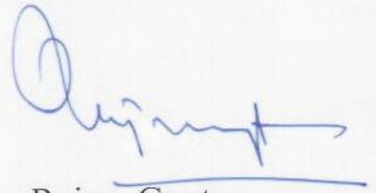
Disposed of. The judgement be uploaded on the website of the Authority and the file be consigned to the record room.



Dilbag Singh Sihag
Member



Anil Kumar Panwar
Member



Rajan Gupta
Chairman