



Complaint No. 855,1044,  
1045/2020

## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### 1. COMPLAINT NO. 855 OF 2020

Satyajit Ray .....COMPLAINANT

VERSUS

Ferrous Infrastructure Pvt Ltd. ....RESPONDENT

### 2. COMPLAINT NO. 1044 OF 2020

Harjit Singh since deceased through his .....COMPLAINANT  
Lrs. Smt Gurcharan kaur  
and Sandeep Sawhney

VERSUS

Ferrous Infrastructure Pvt Ltd. ....RESPONDENT(S)

### 3. COMPLAINT NO. 1045 OF 2020

Neelam Ohri .....COMPLAINANT(S)

VERSUS

Ferrous Infrastructure Pvt Ltd. ....RESPONDENT(S)

**CORAM: Rajan Gupta  
Dilbag Singh Sihag**

**Chairman  
Member**

**Date of Hearing: 22.12.2020**

**Hearing: - 2<sup>nd</sup>**

**Present:** - Mr. J.S Rana, Ld. counsel for the complainant.  
None for the respondent.

**ORDER (RAJAN GUPTA - CHAIRMAN)**

1. All the above titled complaints are in respect of the same project of respondent company and the complainants therein have prayed for identical reliefs based on similar facts, therefore, all these complaints are being disposed of by this common order.

2. Complainant's case in brief is that initially he had booked a unit bearing no. Flat J-1202 in Ferrous city, Sector-89, Faridabad, Haryana. Total sale consideration of the apartment was Rs. 19,76,800/- excluding other charges against which complainant has paid amount of Rs. 29,17,651/-. Builder buyer agreement was executed between complainant and respondent /promoter on 18.08.2009. As per BBA, deadline for offering legal and valid possession was 36 months from executing of agreement which comes to be January 2012. His grievance is that respondent has failed to deliver him possession. So, the complainant has prayed for possession and alternatively refund along with interest. The complainant further requests that this matter be disposed of in same terms as the bunch of matter disposed of with lead complaint no. **762 of 2018** titled as **Rakesh Kumar Vs Ferrous Infrastructure Pvt Ltd.**

3. Relevant portions of complaint no.762 of 2018 titled as Rakesh Kumar Vs Ferrous Infrastructure Pvt Ltd. is reproduced below: -



*“In view of above captured facts and circumstances and finding in lead complaint case No.826 of 2018 the project does not appear feasible to be completed within foreseeable period of time, because the licences needs to be bifurcated; liability towards pending EDC, IDC and other charges towards the state Government needs to be discharged; building have to be made structurally safe; unauthorised construction may have to be either regularised or demolished as per policy of the State Govt; and pending construction works including infrastructural works have to be completed without fulfilling these requirements, the project will not be granted occupation Certificate by the state Government. Needless to add that inter-se disputes amongst the partners companies also have to be resolved. These are tough and time-consuming tasks with uncertain outcome.*

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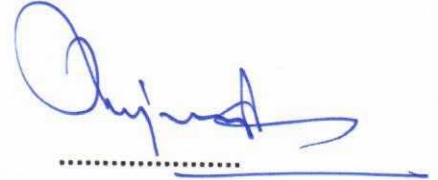
*Regarding the arguments of the respondent that relief of refund cannot be granted because the same has not been asked for, it is observed that even though most of the complaints have not sought the relief of refund of the money, but the Authority, in view of the explained facts and circumstances, is not in a position to grant them the demanded relief of possession of apartments within a specified time frame. Therefore, alternate reasonable relief becomes admissible. Accordingly, the only feasible relief that can be given to the complainants is to refund the amounts paid by the complaints to the respondent along with interest calculated in accordance with Rule 15 of the HREERA Rules. This interest shall be calculated from the dates of payments made by the complainants up to the date of uploading of this order on the website of the Authority. The complainants may file their claims before the respondents in the format given below:*

*Those complainants who do not wish to get refund of the money and instead they wish to get possession of their apartments, they may wait till all the problems are resolved and project is completed, thereafter they will be offered possession of the apartments along with compensation in accordance with principal laid down in Complaint no. 113 of 2018, titled as Madhu Sareen Versus BPTP and complaint no. 49 of 2018, tiled as Prakash Chand Arohi Versus M/s Pivotal Infrastructure Pvt Ltd.”*

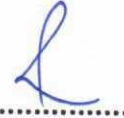


4. Now as per request of the learned counsel for complainant, the matter is disposed of in same terms as in complaint no.762 of 2018 titled as Rakesh Kumar Vs Ferrous Infrastructure Pvt Ltd.

5. Cases are disposed of accordingly and files be consigned to the record room after uploading the order on the website of the Authority.



RAJAN GUPTA  
[CHAIRMAN]



DILBAG SINGH SIHAG  
[MEMBER]

