

HARYANA REAL ESTATE REGULATORY AUTHORITY,

PANCHKULA.

Date of Hearing: 19.12.2018
1st Hearing

Complaint. No. 952/2018 Ramesh Kumar Singh ...Complainant

Versus

Parsvnath Developers Ltd. ...Respondent

Coram: - Shri Rajan Gupta, Chairman
Shri Anil Kumar Panwar, Member
Shri Dilbag Singh Sihag, Member

Appearance: - Sh. Ramesh Kumar, Complainant in Person
Sh. Pranay Malhotra, Representative of Respondent

Order: -

Complainant's case is that he booked a flat bearing no. B-195-G in the project named "Parsvnath Royale floors" situated at Karnal on 29.11.2012. Flat buyer agreement was executed on 21.10.2013. The total sale consideration of the flat was Rs.42,00,000/- out of which complainant paid Rs.8,81,420/- to the respondent. Possession of the flat was to be delivered by March 2015 but no possession has been offered till date. Complainant thus prayed for refund of the amount already paid to respondent along with interest.

2. Learned counsel for respondent stated that the project was a joint venture and the respondent company due to unavoidable circumstances is

going to abandon the said project. Therefore, he is ready to refund the amount paid by complainant.

3. In a situation when the respondent is abandoning the project, the Authority has no option other than to allow refund. So, the respondent is directed to refund the amount of Rs.8,81,420/- already paid by complainant along with interest at the rate prescribed under Rule 15 of the HRERA Rules 2017.

4. At this stage, a request has been made on behalf of respondent to allow him four months time to make payment and such request has been opposed by complainant on the ground that the respondent is only buying time and has no honest intention to pay the amount. There upon, a consensus arrived at between the parties whereby the respondent has agreed that the amount along with aforesaid interest will be refunded within 60 days in two instalments of which first instalment shall be payable within 30 days from the date of uploading of this order and the balance amount within next 30 days and if the amount is not so paid, then the respondent shall bear additional liability on account of non-discharge of promoter's obligations under Section 11(4) of the Act, in case, respondent fails to comply with above directions and Authority will further initiate legal action against respondent-promoter under Section 63 of the Real Estate (Regulation and Development) Act, 2016.



5. The Authority further directs the respondents to pay within 10 days the cost of Rs.22,000/- which was imposed on him for delay in filing reply.

6. The complaint thus stands **disposed of** in aforesaid terms. File be consigned to record room after uploading of this order on the website of the Authority.


Dilbag Singh Sihag
Member

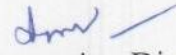
Anil Kumar Panwar
Member


Rajan Gupta
Chairman

Sh. A.K. Panwar, Hon'ble Member vide his email dated 07.01.2019, has approved and consented to the above orders.

Dated:07.01.2019




Executive Director
HRERA, Panchkula