



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2615 OF 2019

Kamlesh Jain

....COMPLAINANT(S)

VERSUS

M/S Parsvnath Developers Ltd.

....RESPONDENT(S)

CORAM:

**Anil Kumar Panwar
Dilbag Singh Sihag**

**Member
Member**

Date of Hearing: 02.12.2020

Hearing: 7th

Present: -

Ms. Megha Gupta, counsel for the complainant

Ms. Rupali S. Verma, counsel for the respondent through video conference

ORDER (ANIL KUMAR PANWAR - MEMBER)

1. The respondent vide order dated 14.10.2020 was directed to pay the complainant delay interest of an amount of ₹23,52,723/- charged from

deemed date of possession i.e. 18.07.2009 till 14.10.2020 and intimate as to when he is likely to make an offer of possession of the villa to the complainant.

2. Learned counsel for the complainant states that the respondent has not paid the said amount till date nor has offered the possession of the villa.

3. On the other hand, learned counsel for the respondent contends that the respondent is presently not in a position to deliver the possession because owing to revision of layout plan, the land earmarked for complainant's villa has been made a part of the road in revised layout plans. So, payment of delayed interest may be deferred till the possession is actually offered to the complainant.


4. After hearing both the parties and going through the record, the Authority observes that plea now being raised by learned counsel for the respondent has not been raised in the reply filed on record. Therefore, the Authority does not take cognizance of above said plea as it is beyond pleadings. Respondent was directed to pay delayed interest to the complainant within a month but he has failed to do so and is just trying to delay the matter. So, the Authority while taking this non-compliance seriously and exercising its power under Section 40 of the RERA Act, 2016 read with Rule 27 of HRERA Rules, 2019 enabling it to execute its orders as a decree of Civil Court, has decided to invoke the provisions of Order 21, Rule 37 of the Code of Civil Procedure, for issuing a show cause notice to the Directors of the respondent

company namely Sh. Pradeep Kumar Jain, Sh. Sanjeev Kumar Jain and Sh. Rajeev Jain as to why they shall not be sent civil imprisonment for non-payment of the amount in question. Such notice be issued for 19.01.2021 directing the Directors to file their reply, if any, with a copy to the complainant atleast one week prior to the next date or pay the amount before that.

5. Case is adjourned to 19.01.2021 also directing the respondent to pay earlier imposed cost of ₹5,000/- and ₹2,000/- payable to the Authority and complainant respectively before the next date of hearing.



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]