

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

Complaint No. RERA-PKL-385 of 2018

Usha Rani. ...Complainant.

Versus

M/s Parsvnath Developers Ltd. ...Respondent.

Date of hearing:- 14.11.2018

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

Appearance:- Shri Ramesh Malik, Advocate for complainant.
Shri Pranay Malhotra, Representative of the respondent.

ORDER:-

1. The complainant had booked a plot and already paid Rs. 11,55,087/- against the basic sale price of Rs. 12,83,430/- to the respondent who in terms of an agreement executed between the parties on 10.06.2014 was under an obligation to handover the possession within 24months. The complainant's grievance is that the respondent has not delivered the possession till date. So, she filed the present complaint for refund of paid amount alongwith interest and compensation.

2. The respondent has not disputed the payment of alleged amount and non delivery of plot's possession to the complainant. His plea is that the delay has



been caused due to non-delivery of license, non-approval of various plans and also on account of acquisition of some portion of the license land.

3. Shri Pranay Malhotra, representative of the respondent has today stated that all necessary formalities for renewal of license etc. will be completed in next three months and the respondent would be in a position to handover the possession before 31.03.2019.

4. Learned counsel for the complainant has submitted that the respondent had earlier been given such assurance and therefore, the complainant has a genuine apprehension that the respondent is merely buying time without having a necessary intention to deliver the possession of the plot.

5. After hearing the parties and going through the record, the Authority observes that the complainant despite having almost paid the whole amount of sale consideration has not yet received the possession, which otherwise was required to be delivered in terms of buyer's agreement by 06.05.2014. The license of the respondent has already lapsed and he has not been able to get it renewed from the concerned department, even the plans are pending for approval. It is, therefore, doubtful that the respondent will be able to complete the project and deliver the possession by March, 2019. In these circumstances, the Authority instead of straightway allowing the refund will prefer to grant time to the respondent to complete the project and handover the possession to the complainant by the end of April, 2019, failing which the Authority will make him liable to refund the amount to the complainant alongwith interest.

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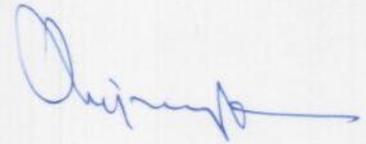
6. Accordingly, the complaint is disposed of with the direction to the respondent to offer the valid possession of the purchased plot to the complainant latest by 30.04.2019 alongwith interest under Rule 15 of the HRERA Rules, 2017 from the deemed date of possession i.e. 10.06.2016 till the actual date of delivery of possession. In case, the respondent commits default in handing over the possession and paying interest in the aforesaid manner, then the respondent will be liable to refund the already paid amount of Rs.11,55,087/- to the complainant alongwith interest as per Rule 15 ibid from the date the amount was paid till its actual payment. The amount liable to be refunded shall be paid in two instalments within 60 days.

7. The complaint thus stands disposed of in aforesaid terms. File be consigned to record room after due 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 08.01.2019, has approved and consented to the above orders.

Dated:08.01.2019




Executive Director
HRERA, Panchkula