

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

Date of Hearing: 08.01.2019  
1<sup>st</sup> Hearing

**Complaint. No.972/2018** Vineet Yadav ...Complainant

Versus

Parsvnath Developers Ltd. ...Respondent

**Coram: -**

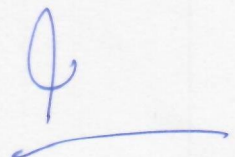
1. Shri. Rajan Gupta Chairman
2. Shri. Dilbag Singh Sihag, Member

**Appearance: -**

1. Sh. Abhay Jain, Counsel for Complainant
2. Ms. Rupali S Verma, Counsel for Respondent

**Order: -**

The case of the complainant is that he had booked an apartment T-2301 in the "Parsvnath Pleasant" Project of the respondents against which he had paid an amount of Rs.8,34,750/- in the years 2006 and 2007. Flat buyer agreement was signed in April, 2008. Since no construction work had started the developer agreed to refund the money to the complainant. Accordingly, an amount of Rs.3,34,750/- was refunded in August, 2015. The remaining amount of Rs. 5,00,000/- has still not been



refunded. The complainant prays for refund of the balance amount as well as the interest on the earlier paid amount and the remaining amount.

2. The plea of the respondent is that they have started developing the project in accordance with the statutory approvals. Time is not be essence of the contract. The respondent has applied to the RERA for registration of the project. There is no intentional delay on the part of the respondent because the project has been delayed for the reasons beyond their control.

3. After going through the written and oral submissions of both the parties it is observed that there is negligible progress of the project even after 12 years of having received the money from the complainants. The respondent themselves have agreed to refund the money, a part of which has already been refunded. Now there is no justification for withholding rest of the amount of Rs. 5,00,000/-. The respondents are denying payment of interest to the complainants despite having retained their money for such long time. The money paid by the complainants carries cost with it. Money does not come free. The complainants have gained nothing by paying to the respondents. On the contrary respondents have used the money paid by the complainants without any return to the complainants.

In the circumstances the respondents are directed to refund the remaining amount to the complainants along with interest @ provided for in Rule 15 of the HRERA Rules. The interest on this money shall be calculated from the date of making payments by the complainants up to the



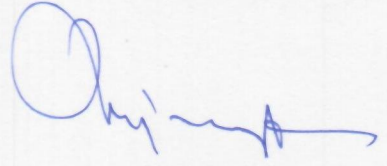
date of actual refund by the respondents. The respondent should also pay interest to the complainants for the already refunded amount of Rs.3,34,750/- for the period between the receipt of money by the respondent and refund to the complainants.

The entire money shall be refunded in two instalments, 50% in first 30 days and remaining 50% in next 30 days.

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



**Dilbag Singh Sihag**  
Member



**Rajan Gupta**  
Chairman