



# 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:**

**Rajan Gupta  
Anil Kumar Panwar  
Dilbag Singh Sihag**

**Chairman  
Member  
Member**

**Date of Hearing:** 19.01.2021

**Hearing:** 8<sup>th</sup>

**Present: -**

Ms. Megha Gupta, counsel for the complainant

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

### **ORDER (RAJAN GUPTA - CHAIRMAN)**

1. Vide order dated 02.12.2020, show cause notice under Order 21 Rule 37 C.P.C. was issued to Directors of the respondent company for non-

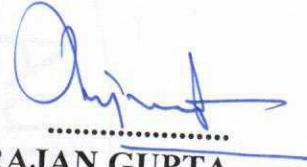
payment of amount of delayed interest to the complainant. Learned counsel for the complainant states the respondent has still not paid the said amount till date.

2. Learned counsel for the respondent states that she wishes to file an additional reply in the matter for which she seeks some time. She further states that respondent will be in a position to offer possession of the villa booked by the complainant within 6-8 months subject to approval of layout plans and defreezing of certain plots.

3. On perusal of record, Authority observes that respondent vide order dated 02.12.2020 was directed to either file reply to show cause notice issued or else pay the amount of delayed interest as calculated by the Authority by today. However, no compliance has been made by the respondent and there seems no justifiable cause for non-payment of delayed interest as already ordered by the Authority. The Authority prima facie observes that respondent was under an obligation to hand over the possession of the plot by 2009. Already there is delay of approximately 12 years, but neither possession of the villa has been offered nor delay interest has been paid to the complainant. The amount of delay interest accrued till date will remain payable to the complainant whether order of refund or of possession is passed in favour of complainant. Said interest will remain admissible and will not be affected by any additional reply filed by the respondent. However, on request of respondent case is being adjourned to 03.02.2021 with a direction to the

respondent to pay delay interest of ₹23,52,723/- to the complainant before the next date of hearing failing which the conduct of the respondent will be construed as deliberate disobedience of the orders of the Authority and the Authority will be constrained to issue arrest warrant against the Directors of the respondent company. Further, a show cause notice is issued to the respondent as to why a penalty of ₹25,000/- be not imposed upon him for non-complying with the orders of the Authority.

4. Case is adjourned to 03.02.2021, 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.



RAJAN GUPTA  
[CHAIRMAN]



ANIL KUMAR PANWAR  
[MEMBER]



DILBAG SINGH SIHAG  
[MEMBER]