



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 526 OF 2020

Kiran Khyalia & Anr.

....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: 04.02.2021

Hearing: 5th

Present: - Ms. Rubai J. Singh, learned counsel for the complainants
None for the respondent

ORDER (DILBAG SINGH SIHAG - MEMBER)

1. While initiating her arguments, learned counsel for the complainant stated that vide order dated 12.11.2020, complainant was directed to prove with supporting documents that an amount of ₹9,15,000/- has been

received by RealPro Assets on behalf of the respondent promoter. To prove same payment has been made to RealPro Assets Ltd., learned counsel for the respondent has drawn attention of the Authority towards annexure placed at page 34 of complaint paperbook showing that a cheque dated 27.10.2010 bearing no. 198950 of ₹9,15,000/- was drawn in favour of RealPro Assets Ltd. She further tendered account statement of the complainant, Mrs. Kiran Khyalia depicting that an amount of ₹9,15,000/- has been debited from complainant's account on 28.10.2010 for payment of cheque bearing no. 198950. This proves that ₹9,15,000/- has been paid to RealPro Assets Ltd. on behalf of respondent promoter.

2. She further drew attention of the Authority at page 34 of complaint paperbook showing that another cheque dated 25.10.2010 bearing no. 198948 of ₹8,90,095/- was drawn in favour of the respondent, Parsvnath Developers Ltd. for which RealPro Assets Ltd. has given receiving on 04.10.2010 and said document is placed at page 36 of complaint paperbook. Furthermore, respondent has not disputed the payment of ₹8,90,095/- by way of cheque for which acknowledgement was given by RealPro Assets, then it does not lie in the mouth of the respondent to say that RealPro Assets is not their authorised agent. Therefore, it stands proved that RealPro Assets Ltd. is authorised agent of the respondent/promoter company and said payment of ₹9,15,000/- has been received by him on behalf of the respondent company.

3. Mr. Shekhar Verma, learned counsel for the respondent has sought adjournment vide email dated 03.02.2021 for the reason that Bar Association of Punjab and Haryana High Court has passed a resolution for suspension of work and has called the Advocates not to appear in Courts.

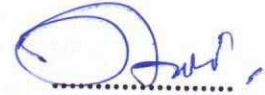
4. After hearing the arguments of learned counsel for the complainant, Authority observes that prima facie it is made out that RealPro Assets Ltd. was authorised agent of the respondent promoter and payment of an amount of ₹9,15,000/- has been made to the respondent. Therefore, complainants contention that they have paid a sum of ₹53,68,989/- to the respondent stands correct and final.

Further, Authority vide order dated 12.11.2020 has awarded upfront payment of delay interest of ₹26,13,607/- to be paid to the complainants. Said interest was calculated on a sum of ₹44,62,389/- till 12.11.2020. Since it has been proved that complainants have paid a sum of ₹53,68,989/-, Authority has got calculated the delayed interest on said amount from the deemed date of possession i.e 27.07.2014 till 04.02.2021 which works out to be ₹32,59,918/- So, respondent promoter is directed to pay^{to} the complainants delay interest of 32,59,918/- before the next date of hearing failing which Authority will be constrained to proceed as per show cause notice already issued under section 63 of the Act.

5. With these directions, case is adjourned to 31.03.2021.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]

