

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

Date of Hearing: 08.01.2019
2nd Hearing

Complaint. No.766/2018

Mrs. Shabana Parveen and Mohammed Rafi ...Complainant

Versus

Parsvnath Developers Ltd. ...Respondent

Coram:

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

Appearance:

Ms. Priyanka Aggarwal, Counsel for Complainant
Ms. Rupali S Verma, Counsel for Respondent

Order:

The case of complainant in brief is that he booked a flat on 05.01.2011 in the residential project "Parsvnath Elite Floors", Dharuhera being developed by respondent. Flat buyer agreement was signed by both the parties on 14.07.2011. Basic sale consideration of the flat was Rs.33,71,200/- out which complainant had paid Rs.7,09,364/- till June 2011. As per clause 9(a) of agreement, the possession of the flat was to be delivered by 15 February 2013 but till date no possession has been offered. The project has not been completed even after lapse of 7 years. Thus, complainant is praying for refund of the entire paid amount along



with interest and compensation for delay in handing over possession of the flat.

2. The respondent has not disputed that the complainant had booked a flat in respondent's project "Parsvnath Elite Floors" situated at Dharuhera and buyer's agreement was executed on 14.07.2011. He states that the complainant paid Rs.6,91,602/- and not Rs.7,09,364/- out of the total sale consideration of Rs.33,71,200/-. There is difference of only about 18 thousand rupees. The respondent who, in terms of buyer's agreement, was obliged to hand over possession of the flat within 24 months, has failed to do so. The respondent submitted that the project was delayed due to pendency of renewal of the license of the said project and due to reasons beyond the control of the company.

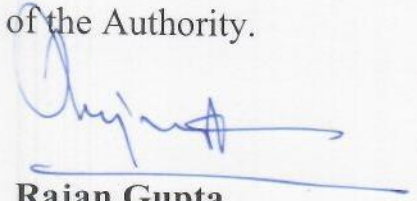
3. Respondents have not stated anything to dispute the claim of the complainant. The payments made by the complainant and the delay caused by the respondent have been admitted. The Authority also observes that since 2011 the respondent/promoter has not carried out any work at the site of the project. Therefore, the Authority orders refund of the money paid by the complainant along with interest at the rate specified under Rule 15 of the Haryana Real Estate Regulatory Authority (HRERA) Rules, 2017. The payment shall be made within 60 days, 50% in first 30 days and remaining 50% in next 30 days.

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The complaint is **disposed of** accordingly. File be consigned to record room after uploading of this order on the website of the Authority.



Dilbag Singh Sihag
Member



Rajan Gupta
Chairman