

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

Date: 09.01.2019

Hearing: 2nd

1. Complaint No. 564 /2018

Col. Gurbinder Singh Cheema and Perminda Cheema

...Complainant

Versus

M/s IREO Fiveriver Pvt Ltd.

...Respondent

2. Complaint No. 583 /2018

Col. Satish Kumar Oberoi and Piyoosh Oberoi

...Complainant

Versus

M/s IREO Fiveriver Pvt Ltd.

...Respondent

3. Complaint No. 778 /2018

Sandeep Kaur

...Complainant

Versus

M/s IREO Fiveriver Pvt Ltd.

...Respondent

4. Complaint No. 789 /2018

Dilsher Singh Bahwa

...Complainant

Versus

M/s IREO Fiveriver Pvt Ltd.

...Respondent



CORAM :

SH. Rajan Gupta
Sh. Dilbag Singh Sihag

Chairman
Member

APPEARANCE:

Ms. Anjali Moudgil, on behalf of Complainant in Complaint Nos. 564 and 778 of 2018.

Mr. Sanjeev Gupta, on behalf of Complainant in Complaint Nos. 778 and 789 of 2018.

None, on behalf of Respondent

ORDER:

This bunch of 4 complaints is being disposed of by this common order because the facts of all the complaints are similar and related to same project of the respondent.

2. This is second hearing of the matters. On the first hearing dated 11.12.2018 it was observed that the notices issued to the respondent have not been delivered, because the receiver had shifted from the given address. Thereafter, the Authority decided to issue Dasti summons to the respondent. In furtherance of the same the learned counsel for complainants in complaint nos. 564 and 583 informed the Authority that the dasti could not be delivered since the correct address of respondent could not be retrieved, whereas the learned counsel for complainants in



complaint nos. 778 and 789 informed that though the Dasti was successfully delivered the respondent has failed to appear on any date of hearing. A stamped receipt dated 26.12.2018 of dasti service is placed on record.

Keeping in view the conduct of respondent in these as well as other matters, it has been decided to proceed ex-parte. Facts of complaint no. 564 of 2018, Col. Gurbinder Singh and Anr. vs M/s IREO Fiveriver Private Limited have been taken into consideration for disposal of this bunch of complaints.

3. The case of the complainants (hereinafter referred to as the complainant) in complaint no. 564 is that the complainant booked an apartment with super area of 1425 Sq. Ft. on 28.08.2013 in "IREO Fiveriver Independent Floor" located in Sector 3, 4, 4-A, Pinjore Kalka Urban Complex Panchkula. That an allotment offer letter dated 15.05.2014 was issued for unit no. IFG-00-Q25 situated on ground floor. Builder buyer agreement was executed between the parties on 10.10.2014 for a total sum of Rs. 73,10,250/-, out of which the complainant has paid Rs. 13,58,855/- till date. Till date there is no construction on the project site and vide letter dated 16.03.2015 the respondent has admitted to the fact of delay on their part and that construction will commence soon. In accordance with the



builder buyer agreement the respondent was duty bound to deliver possession within 30 months and 6 months (grace period) from date of execution of the agreement, i.e. by 10.10.2017, however no construction at site has taken place. The complainants have demanded refund of the sum paid to the respondent on account of delay in possession, and in furtherance of the same made written communications dated 16.04.2017,05.12.2017,13.12.2017 and 11.01.2018, however, till date the respondent has not paid any heed to the requests of complainant. Hence the complainant prays for the relief of refund along with interest.


4. It is observed that the respondent has neither appeared before this Authority on any previous instance, nor has taken the pain to file a reply. This Authority after hearing the grievance of the complainant and in view of the fact that the project is neither complete nor is likely to be completed in near future, is compelled to order refund of the paid sum to the respondent along with interest in accordance with Rule 15 of HRERA Rules, 2017. The Authority additionally observes that these cases of complainants deserve exactly similar relief as ordered in complaint no. 491 of 2018 titled as, " Ritu Rana vs M/s IREO Fiveriver Private Limited". The Authority hence decides to dispose of this bunch of complaints in similar terms as complaint



no. 491 of 2018. The logic and reasoning cited in the said order will be applicable in the present case as well.



D.S. Sihag
Member



Rajan Gupta
Chairman