



## 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**

**Chairman**

**Anil Kumar Panwar**

**Member**

**Dilbag Singh Sihag**

**Member**

**Date of Hearing:** 03.02.2021

**Hearing:**

9<sup>th</sup>

**Present: -**

Ms. Megha Gupta, counsel for the complainant through video conference

None for the respondent

### ORDER (ANIL KUMAR PANWAR - MEMBER)

1. Considering that there is a delay of approximately 12 years on the part of the respondent to deliver the possession to the complainant, this

Authority passed an order on 14.10.2020 directing the respondent to pay the amount of interest which the complainant is entitled for the delay period. However, the respondent committed default in payment of the said amount and due to such noncompliance, the Authority vide its order dated 02.12.2020 issued notice to the Directors of the respondent company under Order 21, Rule-37 of the Code of Civil Procedure, 1908 to show cause as to why they shall not be sent to civil imprisonment for non- payment of the amount of delay interest. The respondent thereafter also continued to show noncompliance on his part and the Authority on previous date of hearing on considering circumstances of the case and conduct of the respondent, had observed as under:-

“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

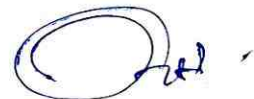


orders of the Authority and the Authority will be constrained to issue arrest warrant against the Directors of the respondent company. Further, a show cause notice is issued to the respondent as to why a penalty of ₹25,000/- be not imposed upon him for non-complying with the orders of the Authority.”

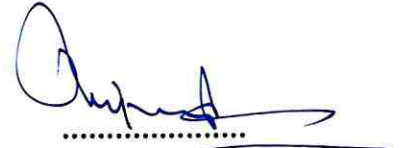
2. The respondent has remained defiant till date and has not complied with the orders. Instead of showing compliance, the respondent has today sent an email to the Authority requesting an adjournment. No explanation has been furnished in the said e-mail for noncompliance of the orders. So, the Authority does not find any ground for not proceeding further in the direction as was explicitly disclosed in its above quoted order dated 19.01.2021.

3. Warrants of arrest be now issued against the Directors of the respondent company. Further, since the respondent has failed to show cause against the penalty of Rs. 25,000/- proposed in the order dated 19.01.2021, said penalty is affirmed.

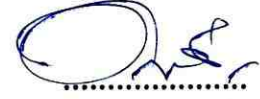
4. The respondent was also imposed a cost of Rs. 5000/- and Rs. 2000/- payable to the Authority and the complainant respectively in its order dated 06.02.2020 which is not yet paid. So, the respondent is also directed to pay the penalty amount and the cost before the next date of hearing. It shall be indicated in warrants of arrest that the Directors shall not be arrested in case they opt to pay the outstanding amount of ₹ 23,52,723/- along with the penalty of ₹25,000/- and costs of ₹7,000/- to the Authority.



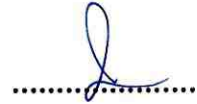
5. Case is adjourned to 30.03.2021.



RAJAN GUPTA  
[CHAIRMAN]



ANIL KUMAR PANWAR  
[MEMBER]



DILBAG SINGH SIHAG  
[MEMBER]