



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 385 OF 2019

Ashok Kumar AggarwalCOMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd.RESPONDENT(S)

**CORAM: Rajan Gupta
Anil Kumar Panwar**

**Chairman
Member**

Date of Hearing: 28.10.2020

Hearing: 9th

Present: - Mr. Kamal Dahiya, Counsel for complainant.

None for respondent.

ORDER (ANIL KUMAR PANWAR-MEMBER)

1. The case of the complainant, in brief, is that he had booked a plot with the respondent in his project named Piyush City situated in Sector-9, Palwal on paying the booking amount of Rs. 2,00,000/-. The respondent had executed a Builder Buyers Agreement in his favour on 27.12.2012 allotting him Plot No.D-115 measuring 220.660 Sq.yds. Possession in terms of the said agreement was

required to be offered to him by the respondent latest by 27.06.2015. The grievance of the complainant is that he had already paid to the respondent an amount of Rs. 20,18,327.54/- against the total sale consideration of Rs. 20,32,278/- but possession is not offered to him till date. Following are the details of instalments paid to the respondent amounting Rs 20,18,327.54/-:

Sr. No.	Date of payment	Amount paid
1.	21.06.2011	2,00,000/-
2.	20.04.2012	2,00,000/-
3.	10.09.2012	5,10,000/-
4.	27.12.2012	2,36,540.54/-
5.	09.04.2013	3,53,051/-
6.	03.07.2013	3,53,050/-
7.	19.09.2013	60,631/-
8.	18.09.2013	1,05,055/-
9.	Total	20,18,327.54

The project is abandoned and no development is being done by the respondent. Respondent has taken consideration amount and has not delivered the possession till date. Hence this complainant was filed.

2. Notice upon the Director of respondent company was served on 01.03.2019 but it has not filed its reply till date.

3. The Authority in order to assess the status of the project has appointed a Local Commission and has also called a report from the District Town Planner, Palwal. On perusal of the reports submitted by them, the Authority vide its order dated 18.09.2019 has concluded as under:-

“Considering the report submitted by the Local Commissioner and District Town Planner, Palwal, the Authority observes that there is no hope about completion of the project because the Directors of the respondent company, who are in jail and facing multiple legal proceedings, having virtually abandoned the project.”

4. Apart from the fact that the project as observed by this Authority in its order dated 18.09.2019 is lying abandoned, it is also an undeniable fact that the Directors of the respondent company are still languishing in jail. So, there is unlikelihood of the project being completed in near future. Such being the situation, the Authority is of the considered opinion that the complainant is entitled to the relief of refund.

5. Accordingly, the complaint is allowed and the respondent is directed to refund the already paid amount of Rs 20,18,327.54 alongwith delay interest as per Rule-15 of the HRERA Rules, 2017. Accounts Section of the Authority on the basis of details reproduced in paragraph 1 of this order has worked out the amount of interest till the date of passing of this order i.e. 28.10.2020 at 35,07,451.54/-(including the delay interest). The respondent is directed is refund

the said amount alongwith further interest at the rate prescribed in Rule 15 of the HRERA Rules, 2017 from the date of passing of the order till it's payment to the complainant.

6. Case is disposed of in above terms. Order be uploaded on the website of the Authority and file be consigned to the record room.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]

