



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 708 OF 2019

Pankaj Shama

....COMPLAINANT(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. Complainant herein is the third purchaser of a plot booked by the original allottee Usha Khurana in respondent's project named Piyush City situated in Sector-9, Palwal. The respondent had executed a Builder Buyers Agreement in favour of Usha Khurana on 05.07.2012. Possession in terms of the said agreement was required to be offered by the respondent latest by 05.01.2015. Usha Khurana

had sold her rights to Naresh Dutt who later sold his rights in the said plot in favour of complainant and acknowledging such transfer of rights, the respondent allotted the complainant plot bearing no. D-208 measuring 220.660 sq.yds vide letter dated 17.04.2017. The grievance of the complainant is that an amount of ₹ 20,67,295/- has been paid 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 ₹ 20,67,295/-:

Sr. No.	Date of payment	Amount paid
1.	03.01.2007	2,00,000/-
2.	17.12.2008	2,00,000/-
3.	23.02.2012	1,41,088/-
4.	23.02.2012	1,00,000/-
5.	01.05.2012	75,000/-
6.	01.05.2012	75,711/-
7.	03.07.2012	3,53,052/-
8.	31.08.2012	3,53,051/-
9.	31.08.2012	24,794/-
10.	29.10.2012	3,53,050/-
11.	02.02.2013	1,10,108/-
12.	03.05.2013	55,055/-
13.	17.04.2017	25,376/-



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

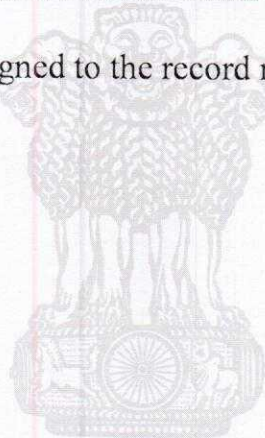
2. Notice upon the Director of respondent company was served on 01.03.2019 but it has not filed its reply till date.

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 ₹20,67,295/- 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 ₹38,07,360/- (including the delay interest). The respondent is directed is refund the said amount along with 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.



सत्यमेव जयते

RAJAN GUPTA
[CHAIRMAN]

ANIL KUMAR PANWAR
[MEMBER]