

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

Complaint No. RERA-PKL 292of 2018

Kamal K. Nanda and another.

...Complainants

Versus

M/s Ansal Properties & Infrastructure Ltd. & others. ...Respondents

Coram:

1. Shri. Rajan Gupta, Chairman
2. Shri. Anil Kumar Panwar, Member
3. Shri. Dilbag Singh Sihag, Member

Appearance:

1. Shri Hitender Kaushal, Counsel for complainants.
2. Shri Kamal Dahiya, Advocate for Respondents.

Date of Hearing: 16.01.2019 (6th Hearing)

Order:

The complainants' case is that the respondents had initially allotted a four bed room apartment in his project named "Green Escape" at Akbarpur Barota, Sonapat and he had already paid an amount of Rs. 10,80,448/- till 02.04.2012 for the same. They were promised delivery of the apartment within 30 months but the respondents later abandoned the project and shifted into another project named "Havanna Heights" Sonapat (Haryana). They have already paid a total sum of Rs. 19,44,729/- against the sale consideration of Rs. 1,25,20,899/-.



Possession which was promised to the complainants by 06.05.2014 has not been delivered as yet and when they visited the site in October, 2017, they found that the apartment was lying abandoned and no construction work was going on. So, they prayed for the refund of the paid amount alongwith interest @ 18% per annum.

2. Notice of the complaint was delivered to the respondents who had put their appearance through counsel Shri Kamal Dahiya. No written statement was filed by the counsel of respondents till date. Respondents' counsel has conceded that the respondents are even today not in a position to handover the possession of the apartment to the complainant. According to learned counsel respondents have offered an alternative apartment in a different project but the complainants are not ready to accept the same. So, in a situation of the present kind when the respondents have not completed the project and the complainants are not willing to shift to any other project, the Authority has no option but to allow the refund. Respondents are directed to refund the paid amount of Rs. 19,44,729/- alongwith interest envisaged under Rule 15 of the HRERA, Rules @ State Bank of India highest marginal cost of landing rate plus 2%. Accordingly, respondents are directed to pay the amount in two instalments within 60 days. He shall pay the first instalment comprising of 50% of the total amount within 30 days from the date of uploading of the order and the



remaining amount in next 30 days, failing which, he shall be liable to pay the penal interest @ 18% per annum on the unpaid amount.

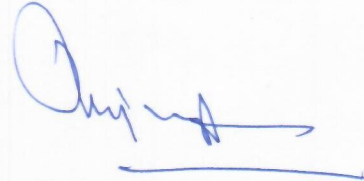
3. Complaint is accordingly **disposed of** and file be consigned to the record room.



Dilbag Singh Sihag
Member



Anil Kumar Panwar
Member



Rajan Gupta
Chairman