



Complaint no 3034 of 2019

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 3034 OF 2019

Shilpi Gupta

....COMPLAINANT(S)

VERSUS

M/s Omaxe Pvt. Ltd.

....RESPONDENT(S)

CORAM: Rajan Gupta
Anil Kumar Panwar

Chairman
Member

Date of Hearing: 17.02.2021

Hearing: 7th

Present through:- Mr. Amit Gupta, Representative of the complainant.
Video conferencing Mr. Munish Gupta, Counsel for the respondent

ORDER (ANIL KUMAR PANWAR-MEMBER)

A plot bearing number 854 , Block E having area of 487.25 sq. yds , was initially booked on 26.05.2004 in respondent's project namely Omaxe City, Sonipat by M/s Sophia Exports Ltd. Buyer's agreement was executed between subsequent allottee Mrs. Achla Pahwa and respondent on 30.03.2013. As per said agreement possession was to be delivered upto 30.09.2014. Complainant purchased all rights of said property from Mrs. Achla Pahwa on 17.05.2013. Respondent had acknowledged transfer of rights in favour of complainant for

said property on 04.07.2013. As per said agreement possession was to be delivered upto 30.09.2014 Present complaint has been filed seeking possession and execution of conveyance deed for booked unit alongwith delay compensation for delay in handing over actual possession of the booked property.

2. The Authority in the course of hearing held on 20.02.2020 has observed that the respondent had admitted that he had received the full and final payment from the complainant and had offered to deliver possession after receiving completion certificate and therefore, a direction was issued to the respondent to get a Conveyance Deed executed in favour of the complainant within 30 days.

3. The Authority in the course of hearing held on 23.12.2020 was informed that the conveyance deed has already been executed in favour of the complainant. So, the case was adjourned for today for arguments on the other issues involved in the present case.

4. The complainant's grievance now is confined to two issues, namely, (i) for returning her the amount of the decrease in area of the purchased plot; (ii) for awarding her interest on account of delay in delivery of possession.

5. It is evident from the order dated 16.12.2020 that the respondent in the course of hearing held on the said date had informed the Authority that the area of the plot had reduced from 487.25 Sq. Yds. to 479.94 Sq. Yds. and the date

obtained from the portal of the Revenue Department was 18.12.2020 for the execution of the sale deed. So, the respondent was directed to execute the sale deed in favour of the complainant on 18.12.2020 on payment of proportionate balance price and the complainant was directed to appear before the Sub Registrar alongwith funds for paying the balance price and registration charges. The amount of excess price can only be allowed to the complainant, if he satisfies the Authority that some excess amount was paid to the respondent. The complainant has not disclosed in his pleadings the exact amount which he had already paid to the respondent and he has also not produced before the Authority the sale deed executed in his favour. Without the details of the exact amount paid to the respondent and the details of the amount which had been cited as the total consideration in the sale deed, it will not be possible for the Authority to hold that the excess amount beyond the one which was payable in respect of reduced area of the plot had been paid. So, the complainant is directed to file the complete particulars of the various amounts paid to the respondent till date and has also to file a copy of the sale deed.

6. Case is adjourned to 04.08.2021.


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RAJAN GUPTA
[CHAIRMAN]


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ANIL KUMAR PANWAR
[MEMBER]