

**BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY,  
PANCHKULA**

Complaint No. : 1325/2018- Sunita Devi and Nursi Grewal  
Vs  
M2M Buildtech Pvt Ltd

Date of hearing: 14.02.2019

**QUORUM:**

Shri Rajan Gupta  
Shri Anil Kumar Panwar  
Shri Dilbag Singh Sihag

**Chairman  
Member  
Member**

**APPEARANCE:**

1. Shri Sudeep Singh Gahlawat, Advocate for the complainant
2. None for the respondent

**Order:**

1. The present matter was first heard on 23.01.2019 and on that day following orders were passed: -

*As per office record the notice dated 20.12.2018 was sent to respondent to file reply by 15.01.2019. Respondent has already incurred a cost of Rs 10,000/- in terms of the said notice for not filing of reply within stipulated time.*

*Today no one put forth appearance on behalf of respondent at the time of hearing. In these circumstances it is decided that notice be issued to the respondent to grant him last opportunity to present his case before the Authority. Matter is adjourned to **14.02.2019** with cost of Rs 5,000/- to be payable to the Authority and Rs 2,000/- to be payable to the complainant.*

2. Accordingly, in compliance of orders dated 23.01.2019, a notice dated 28.01.2019 was issued to the respondent directing him to file his reply and same got delivered successfully on 31.01.2019. But, till date,



respondent has neither filed his reply nor appeared before the Authority. These circumstances imply that respondent is not keen in defending his case, despite several opportunities being given to him. Under such circumstances, it is decided that this matter will be heard ex-parte and on merits.

3. The case of the complainant is that they booked a flat measuring 1510 sq. ft. in M2M Greens situated at Sector-27-A, Rohtak. They paid Rs.5 lacs as booking amounts vide a receipt dated 10.01.2013. It is alleged that respondent didn't possess requisite approvals and sanctions from the Government at the time of booking of the flat. However, the complainants came to know that the license no.32 of 2014 granted on 12.06.2014 is being abandoned as licensee has applied for migration under DDJAY scheme and same has been rejected by DTCP, the document relied upon is Annexure P-4 which is attached with the complaint. They further alleged that till date neither the respondent has started the construction work of the project nor-refunded the paid amount.

Feeling aggrieved the present complaint has been filed seeking refund of the paid amount alongwith with interest @ 18% and compensation for mental agony and harassment caused.

4. After perusing the written as well oral submissions made by complainant's counsel, the Authority observed that as the said license

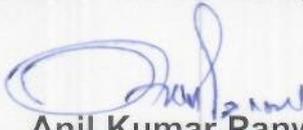


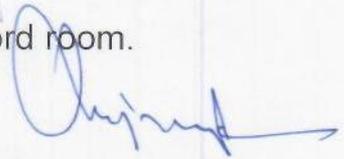
was applied for migration under DDJAY which inflicts that the nature of the project in which the complainant has booked their flat doesn't remain the same i.e. at present the said project is no more in existence. Besides this the respondent has neither started the construction of project nor refunded the amount to the complainant.

The prevailing circumstances makes it logical and reasonable to grant refund in this matter. As the booked property will not be delivered considering the project envisaged for group housing has already been abandoned by respondent.

5. Therefore, the respondent is hereby directed to grant refund of the paid amount alongwith interest in accordance with Rule-15 of HRERA Rules, 2017 i.e. SBI MCLR+ 2% from the date of payment receipt to the date of refund. Wherein the cost imposed upon the respondent shall remain payable. Disposed of. File be consigned to record room.

  
**Dilbag Singh Sihag**  
Member

  
**Anil Kumar Panwar**  
Member

  
**Rajan Gupta**  
Chairman