



Complaint no 2127,2128,
2131,2133,2134,2136,2137/19

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 2127 OF 2019

Dwarkadhis Projects Pvt. Ltd.COMPLAINANT(S)

VERSUS

Vaibhav TyagiRESPONDENT(S)

2. COMPLAINT NO. 2128 OF 2019

Dwarkadhis Projects Pvt. Ltd.COMPLAINANT(S)

VERSUS

Amber Prakash RupeshRESPONDENT(S)

3. COMPLAINT NO. 2131 OF 2019

Dwarkadhis Projects Pvt. Ltd.COMPLAINANT(S)

VERSUS

Ashish KumarRESPONDENT(S)

4. COMPLAINT NO. 2133 OF 2019

Dwarkadhis Projects Pvt. Ltd.COMPLAINANT(S)

VERSUS

Indrajeet YadavRESPONDENT(S)

5. COMPLAINT NO. 2134 OF 2019

Dwarkadhis Projects Pvt. Ltd.

....COMPLAINANT(S)

VERSUS

Ishani Chakravorty

....RESPONDENT(S)

6. COMPLAINT NO. 2136 OF 2019

Dwarkadhis Projects Pvt. Ltd.

....COMPLAINANT(S)

VERSUS

Poonam Kaur

....RESPONDENT(S)

7. COMPLAINT NO. 2137 OF 2019

Dwarkadhis Projects Pvt. Ltd.

....COMPLAINANT

VERSUS

Sujeet Kumar Gupta

....RESPONDENT

**CORAM: Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag**

**Chairman
Member
Member**

Date of Hearing: 07.07.2021 सत्यमेव जयते

Hearing: 12th (in all complaints)

Present: - Mr. Shubhnakar Baweja, Ld. counsel for the complainant.
(in all complaints)

Mr. Sachin, Ld. counsel for Respondent through video conferencing.

(in complaint no. 2127,2128,2131,2137 of 2019)

Mr. Shubhnit Hans, Ld. counsel for Respondent through video conferencing.

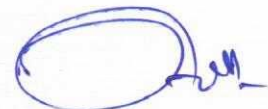
(in complaint no. 2133 of 2019)

None for the Respondent.

(in complaint no. 2134,2136 of 2019)

ORDER (ANIL KUMAR PANWAR-MEMBER)

1. All the captioned complaints are based on similar averments, therefore, the facts of the complaint no. 2127 of 2019 titled as *Dwarkadhis Projects Pvt Ltd. vs Vaibhav Tyagi* are taken into account for adjudication of this bunch matter.
2. Complainant's case is that a unit was allotted to the respondent on 14.08.2014 having unit no. S-042, building no.-S, measuring 1350 sq. feet in the project namely "CASA ROMANA", Sector-22, Dharuhera, Rewari, Haryana vide builder buyer agreement dated 30.10.2014 under construction linked plan. Total sale price of the flat was Rs. 54,02,718/- against which an amount of Rs. 21,26,234/- had paid till November 2015. As per the agreement, possession of the unit was to be delivered within 48 months along with 6 months grace period and 3 months fit out period from the date of signing of agreement, which comes to 14.05.2019. Respondent has not been paying his outstanding dues. As a result, project is getting delayed and is not completed. Hence, the present complaint.
3. Learned counsel for the respondent contends that he had already paid approximately 40% of total sale price but after visiting the site for seeing the status of the construction and found that there is no development at the site and the complainant is raising demands without meeting the required target of



construction enabling him to raise further demand. So, he has decided to stop making payments.

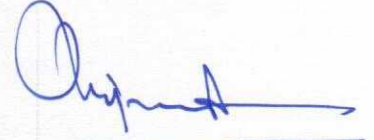
4. The Authority on perusal of records had found that the promoter; license had lapsed in year 2019 and same has not been yet renewed on account of various disputes pending with Department of Town and Country Planning, Chandigarh. The respondent-allottees in these cases have paid amounts ranging between 40% to 90% to the complainant-promoter. The deemed date of possession had already lapsed in year 2019 and there is unlikelihood of project reaching completion and possession delivered to allottees till the disputes pending with Department of Town and Country Planning, Chandigarh are settled. The promoter due to such state of affairs in these cases has lost confidence of his allottees.

5. The Authority posed a question to complainant's counsel as to how can the allottees be legitimately forced to pay the outstanding dues when the complainant without resolving pending disputes is not in a position to complete the project and obtain occupation certificate for the purpose of delivering valid possession. Finding himself unable to reply said query, learned counsel for complainant has requested the Authority for allowing him to withdraw the present complaint with a liberty to file fresh after the complainant settles the disputed with Department of Town and Country Planning, Chandigarh and is granted renewal of the license.

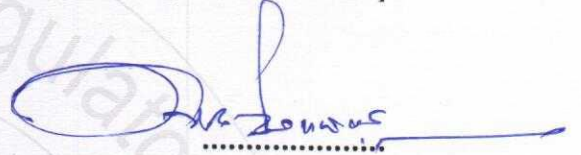


6. So, all the titled complaints are disposed of as withdrawn leaving the complainant at liberty to file fresh complaints after renewal of license.

Disposed of as withdrawn. Files be consigned to the record room after uploading of this order on website of the Authority.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]

