



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 744 OF 2021

Sarla Gupta

....COMPLAINANT

VERSUS

M/s Unitech Ltd.

....RESPONDENT

CORAM: Rajan Gupta
Dilbag Singh Sihag

Chairman
Member

Date of Hearing: 26.08.2021

Hearing: 1st

Appearance: - Sh. Raghav Aggarwal, Authorized representative on behalf of the complainant.
Sh. Lalit Gupta, Authorized representative on behalf of the respondent

2

ORDER: (DILBAG SINGH SIHAG – MEMBER)

1. While perusing case file, it is revealed that complainant in the present complaint purchased a plot no. 155 measuring 458.83 sq. yds. in Block-A in the real estate project namely 'Ananda, Uniworld City' situated at Sector-16, Ambala City to be developed by M/s Unitech Ltd. She had paid an amount of Rs. 27,89,170/- against total sale consideration of an amount of Rs. 49,35,864/-. As per builder-buyer agreement dated 01.09.2012, offer of possession was required within 18 months (with grace period of 3 months) on or before 01.06.2014. There is a provision in the agreement that in case of any default and developer is not in a position to offer the promised property to the complainant on the deemed date, the respondent will offer an alternative property in any complex developed, under development or proposed to be developed in the surrounding area. Further, if no alternate property is available, in that case, the amount received by the respondent shall be refunded along with 12% interest per annum from the date of payment as per clause 4(e) of the agreement without any further liability to pay any damages, compensation or other charges. Since, there is no firm date of completion of the project, complainant has sought refund of the paid amount of Rs. 27,89,170/- alongwith 24 % interest per annum.

2. On the other hand, Sh. Lalit Gupta, representative of respondent company appeared before the Authority and placed on record judgement

dated 20.01.2020 passed by the Hon'ble Supreme court in *Civil Appeal No. 10856/2016 titled as Bhupinder Singh versus Unitech Ltd.* In the judgement, Hon'ble Apex Court has directed that the existing Board of Directors of M/s Unitech Ltd. is superseded with immediate effect in order to facilitate the taking over of management by the new Board of Directors constituted in terms of the proposal submitted by the Union Government. Since, new Board of Directors is administrative Authority, in this case, complainant is directed to address her grievances to the same before approaching to this Authority.

3. Accordingly, the matter is **disposed of** with a liberty to the complainant to file a fresh claim before appropriate Authority. File be consigned to the record room after uploading the orders on the website of the Authority.



सत्यमेव जयते

RAJAN GUPTA
[CHAIRMAN]

DILBAG SINGH SIHAG
[MEMBER]