



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 683 OF 2020

Ravinder Kapoor

....COMPLAINANT

VERSUS

Raheja Developers Ltd.

....RESPONDENT

CORAM:

Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag

Chairman
Member
Member

Date of Hearing: 02.09.2021

Hearing: 8th

Present: None for the complainant

Mr. Kamal Dahiya, Id counsel for the respondent through video conference

ORDER (DILBAG SINGH SIHAG-MEMBER)

Brief facts of the case were recorded in the order dated 27.04.2021 and reproduced below for ready reference:

1. Complainant's case is that he had applied for allotment of a plot measuring 124.17-132.24 sq. yds. on 27.11.2017 by paying an amount of ₹2,25,000/- under "Akshara Affordable Plotted Housing Scheme, Sohna" which was to be developed by the respondent company. Vide letter dated 04.01.2018, it was informed by the respondent that project has been overbooked and therefore allotment will be by way of draw of which date would be announced shortly. Since the respondent has failed to inform the complainant about draw of lots therefore, the complainant had requested for refund his paid amount via email dated 08.08.2018. A reminder dated 09.08.2019 again was sent to the respondent regarding the same. On 16.08.2018, the respondent had replied to the above said mails and informed the complainant that request for refund would be processed after final draw of lots of Akshara phase 1 of the project. The complainant again asked the respondent for a specific date for draw of lots. Thereafter on 20.08.2018, respondent had informed that draw of lots would be held in one or two months. Again on 24.08.2018, the complainant had asked the respondent whether he would be one of the participants in draw of lot or not. The respondent apprised the complainant vide letter dated 25.08.2018 that draw shall be processed for all the applicants and as per agreed terms and conditions of scheme, refund would be processed. It was also informed that completion certificate is expected soon and if the complainant wishes to cancel his booking, then paid amount shall be forfeited. Complainant continued to send reminders via emails to the respondent but all in vain. On 31.05.2019, again respondent had written a mail to the complainant stating that they are in process of obtaining completion certificate and final draw would be done after that. However, on 23.11.2019, the respondent had sent a provisional allotment letter without mentioning therein the venue and date of draw of lots. No plot no. or size was mentioned in the provisional letter. But vide above said provisional allotment letter, the complainant was asked to visit their office for completing formalities by 04.12.2019. On 02.12.2019, the respondent has sent demand letter for ₹16,48,970/- to be paid by 10.12.2019 in which a plot bearing no.C-80 having area of 98.63 sq. yds. was mentioned. Again, reminders dated 11.12.2019, 30.01.2020 and 13.02.2020 were also received by the complainant to

pay outstanding amount along with interest. The complainant had sent email dated 17.02.2020 requesting for refund of the amount. The respondent had informed that complainant that his request for cancellation and refund of money was forwarded to concerned officials. Reminders dated 23.02.2020 was sent to which respondent had replied on 29.01.2020 expressing their inability to refund the paid amount. However, the respondent sent a termination or cancellation letter dated 04.03.2020 informing cancellation of provisional allotment and forfeiture of deposited amount of ₹2,25,000/- as per clause 4 of the prospectus (Annexure-B page no.25).

2. Despite granting opportunities, respondent has failed to file his reply. However, in the previous hearing respondent had sought adjournment to settle the matter amicably. Today, complainant informed the Authority that no settlement has been arrived at between the parties.

3. After hearing arguments put forth by the complainant, the Authority observes that complainant in this case after applying for plot in November 2017, kept on inquiring about the status of draw of lots, but all in vain. He therefore, requested the respondent for refund of the booking amount since no allotment was made to him. The respondent thereafter sent him a termination/cancellation letter dated 04.03.2020 forfeiting the amount deposited by him. The complainant is now seeking refund of booking amount of ₹2,25,000/- by the respondent.

4. On perusal of record pertaining to the present case, the Authority is of the view that the respondent had offered provisional allotment of plot to the complainant vide letter dated 23.11.2019 (Annexure 17) whereby the complainant was asked to visit their office for further formalities and to execute agreement for sale. The Authority observes that under DDJAY scheme draw of lots was to be held by the respondent in the presence of Government Authorities, thereafter they had sent allotment letter of plot to the complainant considering him as a successful allottee as per draw of lot, therefore, respondent had made demand for payment of outstanding dues payable by the complainant. But the complainant neither visited office of respondent for further formalities nor paid outstanding dues despite receiving reminders. The Authority is tentative view that present complainant is a successful allottee. The Authority

finds it necessary to hear arguments of the respondent to adjudicate upon the matter.

However, reply has not been filed by the respondent till date. So, last opportunity is given to respondent to file his reply or present through video conference on the next date of hearing. Respondent is also directed to supply copy of reply to the complainant in advance.

5. Case is adjourned to **15.07.2021**.

In the previous hearing, respondent Mr. Naveen Raheja was appeared personally and assured that amount paid by the complainant be returned to him by the next date of hearing. Today, learned counsel for respondent stated that amount of ₹2,25,000/- was returned to the complainant but no document has been produced in this regard.

2. As per statement made by learned counsel for respondent, the present case is disposed of. In case, complainant has any objection/grievance, the case will be reopened.

3. **Disposed of.** File be consigned to consigned to record room after uploading of order on the website.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]