



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 147 OF 2021

Surender Kumar

..... COMPLAINANTS

Versus

M/s Ansal Properties and Infrastructure Ltd.

..... RESPONDENT

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

**Chairman
Member
Member**

Hearing: 3rd


Date of Hearing: 31.08.2021

**Present through video call: - Sh. Surender Kumar, complainant in person
Sh. Ajay Ghangas, learned counsel for
respondent**

ORDER (RAJAN GUPTA-CHAIRMAN)

1. Complainant in the present complaint had applied for one dwelling unit in respondents housing project advertised for EWS Category under the name of "Ansal Sushant City", Situated at Panipat. On 21.08.2008, he booked the dwelling unit by paying an booking amount of ₹ 3290/- along with necessary documents required for the allotment of the unit to the respondent company. Complainant was assured by the respondent that allotment letter qua the unit will be given to him within a period of six months and thereafter, possession of the unit will be offered within three years from allotment but no such allotment was ever made to the complainant.

Respondent vide letter dated 07.07.2010, informed the complainant that now allotment will be made as per new policy laid down by the Haryana State Government published on 21.09.2009 and directed the complainant to furnish requisite documents i.e. BPL Card and BPL list, for conducting draw of lots. Accordingly, complainant submitted his BPL Card and List showing his name under the BPL List No. 18 along with his BPL Ration card prepared in accordance with BPL list prepared in 2007. Further he states that after four years of booking, respondent held the draw of lots on 08.10.2012 and till date neither the allotment nor the possession of the unit is handed over to him. Therefore, he prays for the issuance of allotment letter and handing over the legal possession of the plot within in three months alongwith eighteen percent interest on the already paid amount i.e. ₹ 11,540/.



He claims that allotment should be made in his favour because at the time of application his name did figure in the BPL list of the year 2007.

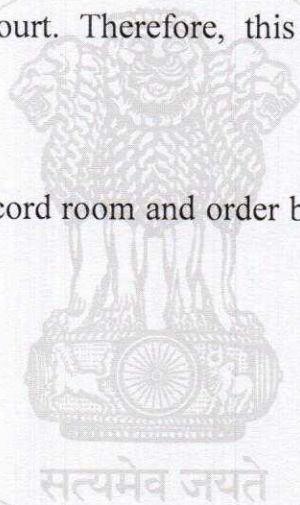
2. On the other hand, counsel for the respondent states two fold reasons for non-maintainability of the present complaint. First, the complainant himself has concealed the material facts about previous litigations before the civil court Panipat, which was dismissed vide order dated 21.08.2015 and complainant preferred an appeal against the order of civil court which was also dismissed. Secondly, respondent's plea is that allotment of the unit was to be made strictly on the basis of BPL List but the name of the complainant was not mentioned in the BPL revised list supplied by the government to the respondent company in compliance to the order passed by Hon'ble Punjab and Haryana High Court in the CWP No. 1581 of 2010 titled as Pardeep Kumar Vs. State of Haryana. His claim cannot be considered on the basis of BPL list of 2007 which was scrapped by the Hon'ble Punjab and Haryana High Court.

Moreover, respondent sent various letters to the respondent informing him about the cancellation of the allotment such as letter dated 06.06.2014 annexed as (Annexure R-1) in reply book. Thereafter, the respondent also issued a letter dated 17.01.2017 to the complainant along with refund cheque of ₹ 3290/- bearing no. 512285 dated 16.01.2017 of Punjab National Bank.

3. After hearing both the parties and considering their contentions, Authority asked a specific question to the complaint to show his BPL Card and his name in the list made by government after resurvey conducted in Panipat as per orders of Hon'ble Punjab and Haryana High Court but complainant was unable to show his name in the

current resurveyed list. Now, Authority is of the view that complainant, though, was successful candidate in draw of lots conducted on dated 08.10.2012 but was subsequently found to be ineligible candidate under revised list made in compliance to the directions issued by Hon'ble Punjab and Haryana High Court in the CWP No. 1581 of 2010 titled as Pardeep Kumar Vs. State of Haryana vide order dated 25.11.2011. Therefore, the Authority decides to dismiss the present complaint on the ground that complainant was not a BPL person as per revised list of the year 2012. His claim cannot be sustained on the basis of BPL list of 2007 which was later invalidated by way of re-survey conducted in furtherance of the orders of Hon'ble Punjab and Haryana High Court. Therefore, this **complaint is dismissed** being devoid of merits.

File be consigned to record room and order be uploaded on the website of the Authority.



RAJAN GUPTA
[CHAIRMAN]

ANIL KUMAR PANWAR
[MEMBER]

DILBAG SINGH SIHAG
[MEMBER]