



Complaint no. 1873 of 2019

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1873 OF 2019

Urmila Rani

....COMPLAINANT(S)

VERSUS

1. Haryana Urban Development Authority,
through its Chief Administrator.
2. Haryana Urban Development Authority,
Through its Estate Officer, Panipat.

....RESPONDENT(S)

CORAM: Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag

Chairman
Member
Member

Date of Hearing: 24.08.2021

Hearing: 11th

Present - Mr. Nitish Garg, Counsel for the complainant through video conferencing.
Mr. Surinder Chaudhary, Counsel for the Respondent

ORDER (RAJAN GUPTA-CHAIRMAN)

Complainant herein booked a plot measuring 324 sq. mts. in the respondents project situated at Sector-24 , Panipat. Vide allotment letter dated 26.10.2006 complainant was allotted plot no. 787-P. Complainant has made a

total payment of Rs. 6,17,794/- against tentative price of ₹ 16,63,788/- . Vide letter dated 24.01.2013 issued by Estate Officer, HUDA, Panipat complainant was informed to collect letter of possession from the office. After receiving said letter complainant visited the site and found that plot was illegally occupied by someone. Complainant sent several reminder letters to the respondent for removal of encroachment but received no response from the concerned department . It has further been alleged by the complainant that the area of the plot has been reduced from 324 sq. mtr. to 278 sq. mtr. Further, respondents without offering possession have issued a demand letter dated 04.11.2016 demanding Rs 22,78,500 as outstanding amount even in face of said encroachment and reduced area. Therefore now the complainant has filed this complaint seeking directions to the respondent to handover possession of the plot of original size alongwith delay interest for delay in delivery of possession.

2. Learned counsel for the respondent in his reply submitted that as per the allotment letter area of the plot allotted to the complainant was 324.30 sq. mtr., however in Sector-24, Panipat, where said plot is located, there are 15 plots in a row from plot no. 787-P to 802-p and size of all the plots was reduced as per revised demarcation plan approved by concerned Chief Administrator, HUDA. As per revised zoning plan area of each of these plots now is 278.30 sq. mtr. in accordance with the revised approved plan. Respondent placed on record the copy of approved demarcation plan of the year 2011 of the said site.



Authority is satisfied with the justification rendered by respondent regarding decrease in area.

Learned counsel for the respondent further submitted that there is a difference of 46 sq. mtr. in the size of plot 787-P and in proportion to the reduced area, difference of the price amounting to Rs 2,35,999/- has been adjusted in the account of the complainant.

3. The complainant insists that he should be given a plot of the 324 sq. meter size. The Authority observes that the plot of this size is not available in the colony. Since the plan of the colony was amended by the competent authorities and the size of all the plots in the row were reduced to 278 sq. meters, the complainant has to accept the plot with reduced size of 278 Sq. meters. On account of difference of 46 sq. meters, the respondents have already credited the price thereof amounting to Rs.2,35,999/-. The Authority further orders that if the complainant is not at all interested in taking the plot of 278 sq.mts. she may seek refund of the money paid by way of fresh complaint.

4. Now the respondents are directed to send a fresh offer of possession to the complainant along with a fresh statement of accounts. Since possession of the plot has not been taken by the complainant on account of fault in the part of the respondent in not being able to offer the plot of originally agreed size, therefore, respondent shall not charge any delay interest from the complainant.

The respondent shall also provide statement of accounts to the complainant along with the offer of possession duly incorporating therein the interest to be paid to the complainant on account of delay caused in offering possession. If complainant feels further aggrieved in any manner with the statement of account or offer of possession so issued by the respondent, they will be free to file a fresh complaint before this Authority. Disposed of in above terms.





RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]