

**BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY
PANCHKULA**

Date of hearing: 05.03.2019
Hearing: 2nd

1. Complaint No. 1074 of 2018

Pawan Kumar Sibal

.....complainant

vs

M/s Omaxe Pvt. Ltd
S.N Realtors Pvt Ltd
Ashwani Properties Dealer

...respondent no. 1
...respondent no. 2
...respondent no. 3

2. Complaint No. 1075 of 2018

Rajinder Kumar Sibal

.....complainant

vs

M/s Omaxe Pvt. Ltd
S.N Realtors Pvt Ltd

...respondent no. 1
...respondent no. 2

3. Complaint No. 1076 of 2018

Naresh Khurana

vs

M/s Omaxe Pvt. Ltd
S.N Realtors Pvt Ltd

...respondent no. 1
...respondent no. 2

CORAM: -

1. Shri Rajan Gupta

Chairman

2. Shri Anil Kumar Panwar

Member

3. Shri Dilbag Singh Sihag

Member

APPEARANCE: -

1. Sh. Sanjeev Kumar and Sh. Sourabh Goel , Advocate for the complainant.
2. None for the respondent

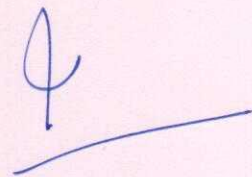
Order:

1. All the above captioned complaints are taken up for hearing together as they are based on similar facts and are directed against the same

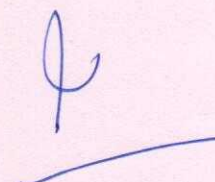
project of the respondent. This order is passed by taking complaint no. 1074/2018- Pawan Kumar Sibal vs S.N Realtors Pvt Ltd and Others as a lead case.

2. The complainant's case is that he booked a plot in the project launched by respondent no. 1 and 2 named "Omaxe City" situated at Yamunanagar by paying Rs 1,00,000/- as booking amount vide a receipt dated 23.01.2014 which is annexed as Annexure A-2. Besides, Rs 1,00,000/- and Rs 1,98,000/- were paid to the respondents on 28.01.2014 and 27.01.2014 respectively, in this regard the copy of receipts is attached as Annexure A-3 and A-4. Following this, a request form dated 21.03.2014 was submitted for the allotment of plot no. 434, which as per complainant's version got duly acknowledged by respondent no. 3 and no. 2. It is alleged that the respondent has neither allotted any plot in furtherance of booking made nor refunded the paid amount despite several reminders and number of visits made to their offices situated at Yamunanagar and New Delhi.

Feeling aggrieved by the aforesaid circumstances the complainant also sent a legal notice dated 24.04.2018 seeking refund of the paid amount alongwith interest. Therefore, present compliant is being filed seeking refund of the paid amount alongwith interest and compensation for mental agony.



3. It is observed that a notice dated 31.12.2018 was served on respondent no. 1 on 04.01.2019 and respondent no. 2 on 02.01.2019 to file their reply, and again a notice dated 11.02.2019 was served on respondent no. 1 on 14.02.2019 and respondent no. 2 on 13.02.2019, But they have not availed of the opportunities granted to defend their case. Accordingly, this complaint is being proceeded ex-parte against the respondents.
4. After perusing the written as well oral submissions the Authority observes that payments receipts annexed as A-2, A-3, and A-4 are a proof of the amount paid to the respondent no. 1 and 2 in respect of the booking of the plot in the said project, wherein it is also mentioned that respondent no. 2 is a wholly owned subsidiary company of respondent no. 1. The respondents failed to issue any allotment letter or buyer's agreement for same. Moreover, relying on complainant's statement, it is observed that no further demand has been raised in respect of the booking. The overall act and conduct of the respondent show that they are not serious enough about development of the project and have wrongfully retained the money of the complainant. Even after lapse of 5 years there is no assurance of development of the colony. Respondents are not even bothering themselves to defend his case. Therefore, the Authority finds it a fit case for refund of the money.

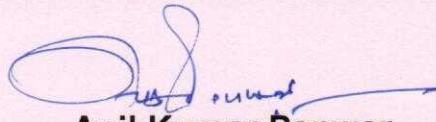


5. Accordingly, the respondent no. 1 and 2 are directed to refund the amount of Rs 3,98,000/- along with interest for the delay caused at the rate prescribed in rule 15 of the HRERA Rules,2017 i.e SBI MCLR rate+ 2% from the date of receipt of payment to the actual date of refund within a period of 90 days of uploading of this order on the website. The first instalment of 50 % shall be paid within 45 days and the remaining 50 % within next 45 days.

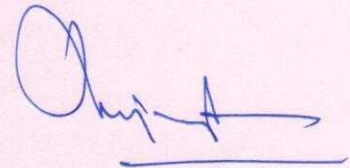
Disposed of. File be consigned to record room



Dilbag Singh Sihag
Member



Anil Kumar Panwar
Member



Rajan Gupta
Chairman