

**HARYANA REAL ESTATE REGULATORY AUTHORITY
PANCHKULA, HARYANA**

Date : 14.03.2019

Hearing : 8th

Complaint No. 313/2018

Jabar Singh

...Complainant

Versus

M/S Triveni Infrastructure Development Company Ltd.

...Respondent

CORAM :

Sh. Rajan Gupta

SH. Anil Kumar Panwar

Sh. Dilbag Singh Sihag

Chairman

Member

Member

APPEARANCE :

Gopal Krishna, Counsel for Complainant

J.C. Manjhu, Counsel for Respondent

ORDER:

This complaint is being disposed of vide this order. This complaint has been heard seven times previously. This is the eight hearing. All previous orders in this matter shall be read as part of this final order.

2. The case of complainant is that the complainant booked a flat measuring 1170 sq. ft. on 02.01.2008 in residential group housing project of respondent company named as, "Triveni Signatures" located in sector 89, Faridabad. Accordingly, an allotment agreement dated 02.01.2008 was executed between parties, vide which the complainant was allotted flat no. 801 on 8th floor in tower


S2. That the deemed date of delivery of possession as agreed between parties was thirty six months from date of execution of agreement, further extendable to a period of six months. In accordance with the same the likely date of delivery was 02.01.2011 and latest by 02.07.2011. However, till date, construction has not been completed nor there is any likelihood of completion in near future. The complainant has already paid Rs. 10,79,550/- against total consideration of Rs. 22,60,800/-. Since respondent has stopped the construction work completely, the complainant has made several requests to the respondent to refund the money deposited with him, but in vain. The complainant has therefore approached this Authority seeking refund along with interest.

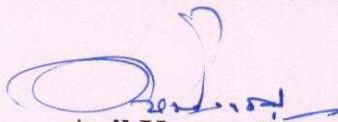
3. The learned counsel for respondent through his reply and verbal submissions made today stated that this complaint is not maintainable, since the Hon'ble Delhi High Court had appointed an official liquidator and the respondent company has been ordered to be wound up. He further stated that vide order dated 13.08.2018 Authority had already dismissed a bunch of complaints, one of which is titled as, "**Asit Baran Ray Versus Triveni Infrastructure Development Company Limited, Complaint No. 212 of 2018**" against the same respondent, on the ground that complainants had already filed their claim before the Official Liquidator appointed by Hon'ble Delhi High Court. That the present complainant has also lodged a similar claim before the Official Liquidator.



4. Parties have been heard and records perused. The Authority is of the considered opinion that since the complainant has already lodged his claim before the Official Liquidator, the present complaint on same cause of action is not maintainable. Hence, this complaint is disposed of with liberty to the complainant to seek redressal in accordance with another bunch matter with lead case **Complaint No. 383 of 2018, "Gurbaksh Singh & Another Versus ABW Infrastructure Pvt. Ltd."** wherein this Authority has passed a detailed order for protecting the interests of allottees in real estate projects which get stuck due to misdeeds of the promoters and face serious financial difficulties. The Authority has ordered that if there are multiple claims against the assets of respondent company, the claims of the allottees shall be served first of all ~~on~~ in preference to any other claim including the claims of the lending financial institutions or other financial creditors. The reasons for laying down this principle are contained in the aforesaid bunch matter with lead case **Complaint No. 383 of 2018**. The reasoning and logic cited in that complaint shall be applicable as it is in this case as well. Accordingly, the complainants may present this order before any appropriate Authority dealing with disposal of the assets of the respondent company for serving their claims first of all on priority.

Disposed of. Files to be consigned to the record room.


D.S. Sihag
Member


Anil Kumar Panwar
Member


Rajan Gupta
Chairman