



HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.

1. Complaint No. RERA-PKL-815 of 2018
Shreemali Aggarwal and another. ...Complainants.

Versus

M/s IREO Fiveriver Private Limited. ...Respondent.

2. Complaint No. RERA-PKL-825 of 2018
Devendra Gupta. ...Complainant.

Versus

M/s IREO Fiveriver Private Limited. ...Respondent.

Date of hearing:- 27.02.2019 (3rd Hearing)

Coram:- Shri Rajan Gupta, Chairman.
Shri Anil Kumar Panwar, Member
Shri Dilbag Singh Sihag, Member.

Appearance:- Shri Atul Aggarwal, Advocate for complainants.
None on behalf of respondent.

ORDER:-

The above captioned complaints are being disposed by this common order because facts involved therein are similar and directed against the same project of the respondent.


2. Notices issued to the respondent on 08.01.2019 and 13.02.2019 were received back un-served for want of complete address. Thereafter, complainants were allowed to take dasti notice for the service of the respondent.
3. The complainants have today placed on record a report of process server Shri Sorabh Yadav of HRERA, Gurugram. Said report reveals that the process server has taken the notice and copy of complaint to the respondent for effecting service but the respondent has refused to accept the notice and has not allowed the process server to affix a copy of the complaint on the given premises. So, it can be safely assumed that the respondent has been duly served. Since none has turned up today on behalf of the respondent before this Authority, the respondent is ordered to be proceeded against ex-parte.
4. After hearing the complainants' counsel and going through the record, the Authority observes that the complainants have booked apartments with the respondent in his project named "IREO Fiveriver" situated in Sector 3, 4, 4A, Pinjore, District Panchkula. They have already paid Rs. 23.06,498/- and Rs. 11,95,962/- respectively till date. The respondent, in terms of buyer's agreement, was obliged to handover possession to complainant Shreemali Aggarwal by 09.06.2017 and to complainant Devendra Gupta by 16.01.2017 respectively. The complainants enquired about the delivery of possession from the respondent through e-mails dated 13.05.2017, 28.06.2017, 21.08.2017 and 22.10.2018 but had received no communication from the respondent. Complainants' prayer is that the project is nowhere near completion and period




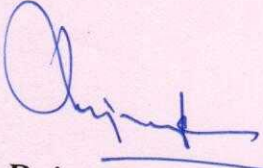
of delivery of possession having already lapsed, they are now entitled to refund of their amounts.

5. The respondent has not appeared before the Authority and has not even filed his reply to the averments made in the complaints. So, the averments of the complainants on the point that the project is nowhere near completion deserves creditability. This Authority in some other cases filed by allottees of the same project have already passed refund orders. Reference in this regard can be made to complaint No. 491 of 2018 titled as "Ritu Rana Versus M/s IREO Fiveriver Pvt. Ltd." decided on 08.01.2019. The Authority has, therefore, decided to dispose of the present complaints in terms of the orders dated 08.01.2019 already passed in complaint No. 491 of 2018. The logic and reasoning cited in the said order will be applicable in the present cases as well.

6. Files be consigned to the record room.


Dilbag Singh Sihag
Member


Anil Kumar Panwar
Member


Rajan Gupta
Chairman