



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 264 OF 2020

Dharmendra Bhardwaj

....COMPLAINANT

VERSUS

Astrum Value Homes Pvt. Ltd. &
Stanza Developers and Infrastructure Ltd.

....RESPONDENT(S)

CORAM: Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag

Chairman
Member
Member

Date of Hearing: 13.10.2021

Hearing: 9th

Present: - Ms. Rupali Verma, Id. Counsel for the complainants
through video-conferencing

Mr. Shobit Phutela, Id. Counsel for the respondents

ORDER (DILBAG SINGH SIHAG- MEMBER)

1. While initiating his arguments, learned counsel of the complainant submitted that original allottee Sh. Harish Kumar booked an apartment in the

project of the respondent namely 'La Regencia', Panipat in the year 2012 by paying booking amount of ₹5,00,000/-. Basic sale price of the apartment was ₹66,09,100/- plus EDC/IDC and other charges against which complainant had paid ₹42,18,534/-. Thereafter, on 23.12.2012, transfer agreement was executed between original allottee, complainant and the respondent whereby an apartment bearing no. I-204 admeasuring super area of 2279 sq. ft. situated in Tower 'Irvine' was endorsed in the name of the complainant. Apartment buyer agreement was executed between both parties on 08.08.2014 according to which possession of the apartment was to be handed over within 30 months from the date of execution of the agreement i.e. up to 08.02.2017. Respondent had not offered possession as construction was not complete and no demand was raised from 07.05.2014 till 07.03.2019.

Thus, the complainant is praying for possession of the apartment along with delay interest.

2. Respondent in his written submissions has admitted above averments in para no. 15 at page 4. However, he further submitted that project got delayed due to non-payment of instalments by the complainant as per payment schedule. Further, it is stated that possession of the apartments had been tentative and subject to force majeure conditions and trying his best to complete the tower in question.

3. It has brought to the notice of the Authority that a sou moto complaint no.801 of 2018 has been registered against the respondent for

monitoring construction work of the project in question and the same was listed for hearing on the same date when present complaint was heard wherein respondent has submitted a status report along with photographs which shows that Towers F, E are near completion, Towers G and H, more than eighty percent construction work completed whereas in Tower I construction is raised less than fifty percent. Occupation certificate of Towers E and F of the project in question has been applied before the competent authority but the same is yet to be received. Learned counsel for respondent further submitted that if complainant wants to transfer his apartment in another Towers which are complete, the same can be considered.

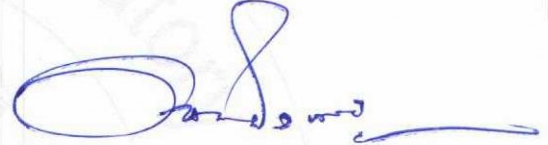
Accepting his proposal, complainant agrees to accept alternate apartment of which construction has been completed and occupation certificate already obtained. Learned counsel for respondent stated that in Towers E and F, no vacant apartment is available, he may be accommodated either in Tower G or H.

4. In view of the above facts and circumstances, Authority observes that booked apartment of the complainant has not been completed and take time to complete whereas possession of the said apartment has to be delivered in the year 2017. Respondent is making efforts to complete the whole project and he is also ready to transfer the complainant in the Towers which are near completion. Complainant has also no objection to take charge of alternate apartment. So, Authority directs the respondent to allot and hand over possession of alternate

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apartment to the complainant as per their mutual consent. The respondent is also liable to pay interest to the complainant on account of delay in delivery of possession from the deemed date of possession to the date on which the complainant will take possession at the rate prescribed in Rule 15 of HRERA Rules, 2017. Respondent shall hand over possession of alternate along with delay interest to the complainant within 90 days from the date of passing this order.

5. Accordingly, case is **disposed of** with above directions. File be consigned to record room after uploading of this order on the website.



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ANIL KUMAR PANWAR
[MEMBER]



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DILBAG SINGH SIHAG
[MEMBER]