

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

Complaint. No. 1342/2018- Nidhi Garg

.....Complainant

Versus

Ansal Properties and Infrastructure Ltd

.....Respondent

Date of Hearing: 07.03.2019 (3rd hearing)

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

Appearance: - Shri Anish Kumar Garg, Counsel for Complainant
Sh. Kamal Dahiya, Counsel for respondent

ORDER:

1. Today is the third hearing of the matter and till date, respondent has not filed his reply. Sh. Kamal Dahiya, Counsel for respondent was present in the Court today, however, he stated that he has no instructions from the respondent company with regard to the same. Hence, the Authority decides to proceed against the respondent ex-parte. The previous orders passed by the Authority in this matter shall be read as a part of this order.



2. The complainant's case is that she applied for allotment of a unit in respondent's project named "Ansal Sushant City", Sector 32, Pipli, Kurukshetra, Haryana vide application dated 15.07.11 by paying an amount of Rs. 2,25,000/-. The plot buyer agreement was executed between both the parties, however, the same is undated. Vide the said agreement, the complainant was allotted SCO plot No. 15, Block C, measuring 63.55 sq. meters. The complainant had opted for time liked plan. The total sales consideration of the unit was Rs. 24,73,621/- against which the complainant has already paid an amount of Rs. 23,52,520/- in thirteen instalments. On 07.12.12, respondent sent a demand notice to complainant demanding a payment of Rs. 4,37,542/- on account of EDC. The complainant had also deposited the said amount of EDC. However, the complainant sought clarification on the same vide letter dated 19.12.12 but respondent did not reply. As per Clause 24 (a) of the agreement, construction of plot was required to be completed within a period of 18 months along with six months grace period from the date of booking which comes to 15.07.13. But till date, respondent has not offered possession to the complainant. The complainant sent various letters dated 16.10.18, 13.11.18, 03.12.18 requesting the respondent for possession of the plot but respondent did not pay any heed to the same.

Under such circumstances, complainant prays for physical possession of the plot after adjusting the last instalment from excess amount already paid



by complainant, alternatively refund of the amount along with interest, compensation or any other relief as the Authority may deem fit.

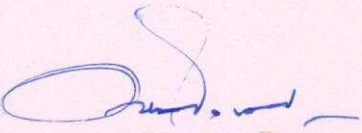
3. The Authority observes that respondent has been trying to evade his obligations. Despite numerous efforts made by Authority to bring him on record, he has not filed his reply. The respondent has promised to deliver possession of the unit by 15.07.13 and approximately six years have been lapsed since then and till date respondent has not made offer of possession to the complainant. The Authority, further, observed that respondent company has not been appearing in majority of the complaints filed against the company. Respondent company has taken substantial amounts from the allottees but miserably failed to fulfill its obligations towards allottees. The respondent provides sovereign assurances to allottees after which the allottees spend their life savings in a project. The respondent cannot evade their obligations at this stage and are required to be answerable to the allottees till the possession is handed over.
4. In given situation, the complainant's prayer for refund is accepted and Authority, further, finds it fit to order refund of the sum deposited by the complainant along with a penal interest at the rate of 14 percent per annum starting from the dates when payments were made till the actual realization. Fifty percent of the total sum of money payable by the respondent shall be paid

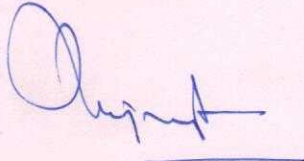


within 30 days from the date of uploading of this order and the remaining in next 30 days.

Disposed Of. Files be consigned to record room and order be uploaded on the Website.


D.S. Sihag
Member


Anil Kumar Panwar
Member


Rajan Gupta
Chairman