

**HARYANA REAL ESTATE REGULATORY AUTHORITY
PANCHKULA**

**Complaint No. :175/2018
Date of hearing : 27.02.2019
Hearing : 10th**

Mamta Jain

....Complainant

Versus

M/s Parsvnath Developers Ltd.

....Respondent

CORAM :

Sh. Rajan Gupta, Chariman

Sh. A.K. Panwar ,Member

Sh. D.S.Sihag , Member

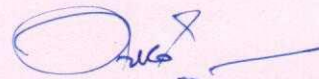
APPEARANCE :

Sh. Sandeep Dahiya, Counsel for complainant

Smt. Rupali Shekhar Verma, Counsel for Respondent

ORDER:

1. Complainant is a third buyer of property in question and conveyance deed had already been executed in her favour by the respondent on 26.04.2010. The grievance which the complainant is now agitating is that even after the execution of



conveyance deed, respondent had not delivered the physical possession of the plot. Therefore, the complainant is seeking refund of the entire amount paid by him i.e. Rs. 22,68,512 along with interest @ 20% per annum.

2. Respondent's version however, is that the plot in question had been freezed by the state govt. due to which its physical possession could not be handed over to the complainant till date.
3. The Authority, on earlier hearing had directed the respondent to either offer the complainant an alternative plot which is free from any encumbrance or to adequately compensate and satisfy him in some other legally permissible manner. The matter thereafter got adjourned for several times.
4. Today, learned counsel for respondent has informed the Authority that an alternative plot was offered to the complainant which he refused to accept and therefore he is ready to refund the amount. So,



respondent is directed to refund the entire amount received from the complainant.

5. With regard to the awarding interest on the amount to be refunded, ordinarily this Authority has been awarding interest as prescribed in Rule 15 of the HRERA Rules, 2017. However, in this case, the plot in question was not given to the complainant for no fault on his part and he was kept on hold for 9 years even after the execution of the conveyance deed in 2010 on the pretext that his plot is being defreezed soon or else he would be given possession of an alternative plot. After all this, the respondent ought to have offered him some alternative unit or refunded his amount with interest but respondent did not take any positive step to vindicate the complainant's grievance. As a result, complainant had to suffer for such a long period for no fault. Further, he was deprived of the appreciation that must have occurred in the value of the plot from the date of its booking. In these extraordinary circumstances, complainant is entitled to

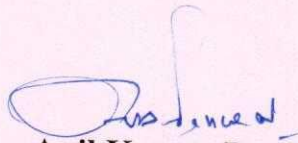


compensatory interest. So, the respondent is directed to pay penal interest of 14% per annum on the deposited amount from the dates on which amounts were paid till its actual payment to the complainant.

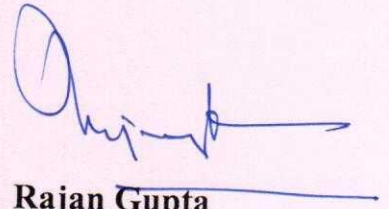
Case is disposed of in the abovesaid terms and file be consigned to the record room.



Dilbag Singh Sihag
Member



Anil Kumar Panwar
Member



Rajan Gupta
Chairman