



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1322 OF 2020

Bijender Singh

.... COMPLAINANT

VERSUS

SRS Real Estate Ltd.

....RESPONDENT

CORAM:

Rajan Gupta
Dilbag Singh Sihag

Chairman
Member

Date of Hearing: 14.12.2021

Hearing: 9th

Present: -

Mr. Sushil Malhotra, Counsel for the complainant

None for the respondent no.1

Mr. Rajan Kumar Hans, counsel for respondent no.2
Through VC

ORDER (RAJAN GUPTA-CHAIRMAN)

1. Today is 9th hearing of the case. Brief facts of the case were discussed in detail vide order dated 31.03.2021 as reproduced below:

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1. The complainant had booked 5 units in the year 2011 in project namely 'SRS City, Royal Hills Phase 2', Sector 87, Faridabad which was to be developed by the respondent company. He has paid ₹3,67,20,000/- against the said booking of units. Flat buyer agreements were executed between both the parties in the year 2017. Thereafter on 28.06.2017, both parties had entered into a Memorandum of Understanding (MoU) whereby it was agreed that respondent would either buy back the units by returning entire paid amount by 31.12.2018 or ownership of the units would be in the name of the complainant. The respondent had later refused to execute a written MoU to that effect and therefore, the complainant had filed a case before Permanent Lok Adalat (PLA), Faridabad. Learned PLA has passed an order dated 30.08.2019 in favour of complainant directing the respondent shall execute sale deed in respect of the booked units in favour of the complainant after getting occupation certificate and NOC from the Bank, Income Tax Authority. Respondent has however failed to execute the said order.

Now, complainant's grievance is that the respondent has not shown his name in the list of allottees filed in complaint case no.165 of 2018 pending before this Authority and therefore, the concerned Residents Welfare Association (RWA) namely SRS Royal Hills Phase 2 Flat Owners Association has refused to recognise him as an allottee of the project.

2. Respondent no.2, SRS Royal Hills Phase 2 Flat Owners Association (RWA) has filed its reply averring that association is relying upon the list provided by the respondent which does not have name of the complainant as allottee. Ownership of the complainant is not verified by the promoter and therefore, complainant-association is not in a position to add complainant as member of RWA. If respondent no.1 will admit the complainant's status as allottee, the RWA will add him as its member.

Reply has not been filed by respondent no.1, the promoter of the project. Today, representative of respondent no.1 has appeared and conceded before the Authority that he has no objection to add complainant as allottee.

3. After consideration of the matter, the Authority is of the view that the complainant in support of his claim of paying ₹3,67,20,000/- to the respondent against the booking of five units has failed to produce any receipt issued by the respondent company acknowledging such payment. So, his status as allottee

is not yet proved. Therefore, one opportunity is being given to him to prove his case by placing on record the relevant receipts or some other authentic document capable of proving bank account payments made to the respondent.

4. Case is adjourned to 01.06.2021 with above directions.

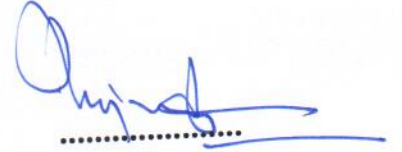
2. Details of payments of ₹3,67,20,000/- made to the respondent against booking of five units was placed on record by the complainant. Complainant's grievance was that the respondent has not shown his name in the list of allottees filed before various courts. Residents Welfare Association (RWA) namely SRS Royal Hills Phase 2 Flat Owners Association has also refused to recognise him as an allottee of the project. In support of his case, he referred certain documents placed in complaint file and was discussed in detail in the previous hearing dated 25.11.2021. On the basis of record, Authority was of the considered view that the complainant is entitled to be treated as successful allottee of five units of the project and had asked the association and respondent to file their objection in this regard.

3. None present on behalf of respondent. However, Mr. Rajan Kumar Hans, marked his presence for Residents Welfare Association (RWA) namely SRS Royal Hills Phase 2 Flat Owners Association and stated that the association has no objection and they agree to consider complainant as an allottee.

4. In view of the statement made by leaned counsel for RWA, case is disposed of with a direction that complainant be treated as a successful

allottee of five units in the respondent's project. Complainant will be at liberty to file complaint afresh if any issue remains pending.

5. **Disposed of.** File be consigned to record room after uploading of order on the website of the Authority.



RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SIHAG
[MEMBER]

