

**BEFORE THE ADJUDICATING OFFICER  
HARYANA REAL ESTATE REGULATORY AUTHORITY  
PANCHKULA**

**Complaint No. :673/2018  
Date of hearing .: 13.12.2018  
Hearing .: 2<sup>nd</sup>**

Vijay Kumar

.... Complainant

Versus

Haryana Shahari Vikas Pradhikaran HUDA

.... Respondent

**APPEARANCE:**

**ORDER:**

1. The complainant had purchased a commercial plot bearing SCO No. 88 from the respondent in a public auction on 15.01.2015 for a consideration of Rs.1,02,50,000/- which he had already paid by 29.04.2015. The respondent had delivered him possession but when he started the construction work, the owner of adjoining property produced before him an order of Civil Court whereby the respondent and allottees were ordered to maintain status quo regarding the allotted sites. The claim set up by the owner of the



neighbouring property was that the respondent and his allottees were encroaching upon his property. The officers of the respondent thereafter realized the mistake which they had committed in carving out the plots put on auction and had carried out a fresh demarcation. Accordingly, the zoning plan of the area was revised. The complainant was however not delivered possession of the purchased property on the basis of revised zoning plan and as a result, he had to file a complaint before Real Estate Regulatory Authority(RERA). The respondent, during the pendency of the said complaint, had delivered possession of the purchased land to the complainant. Learned RERA, while dismissing the complaint as unfruitful, has given liberty to the complainant to file a complaint before Adjudicating Officer for claiming compensation as he may be entitled as per law. Hence, the present complaint.

2. The respondent has not disputed that the complainant had purchased the plot in a public auction and he could not raise construction due to an injunction order passed in favour of the owner of adjoining land. It is also not disputed that the respondent had carried out revision of zoning plan to re-





demarcate the plots put on auction. The fresh demarcation of the plot purchased by complainant, after revision of zoning plan, was delivered on 21.06.2018. So, the undersigned Authority has no hesitation in concluding that the complainant could not reap the fruits of the purchased property because there was an inherent defect on the part of respondent in proper demarcation and delivery of possession of the purchased plot. So, the complainant has a right to claim compensation for the period he could not raise construction on the purchased plot.

3. The respondent has sought to avoid its liability to pay compensation on the ground that there was no intentional delay on its part and revision of zoning plan took a considerable time merely because the process involved permissions of various authorities and files were moving from one department to the other. Such explanation cannot save the respondent from its liability to compensate the complainant because the respondent had a pious duty to take necessary care in carving out plots before putting the same on public auction. If the department had committed some negligence in demarcation of plots and any of the allottees



from whom they had recovered the entire price of the purchased property, had suffered any loss because of such negligence, compensation becomes payable to such allottee for the period he remained deprived of his money paid to the department and also of the enjoyment of the property purchased by him.

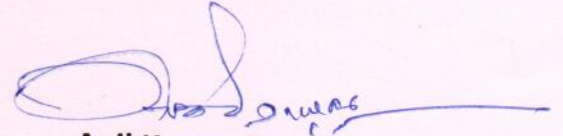
4. Viewed from the above discussed perspective, the complainant must be held entitled to compensation for the period starting from 29.04.2015, the date on which respondent had received the sale consideration, to 21.06.2018, the date on which a valid possession was delivered. Awarding interest at the rate prescribed in Rule 15 of HRERA Rules, 2017 on the amount of sale consideration paid to the respondent from the date of making full payment to the date of actual delivery, in the considered opinion of this Authority, will serve the ends of justice.
5. Consequently, the complainant is allowed and the respondent is directed to pay compensation to the complainant equivalent to amount of interest payable on amount of sale consideration i.e. Rs. 1,02,50,000/- from 29.04.2015 to 21.06.2018 at the rate prescribed in Rule 15 of





HRERA Rules,2017. The respondent shall pay the amount so awarded within 45 days from the uploading of this order.

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



**Anil Kumar Panwar**  
**Adjudicating Officer**