

**BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY,
PANCHKULA**

1. Complaint No 38/2019
Neelam through Power of Attorney Holder Ramvir Singh
Vs
M/s Omaxe Pvt Ltd.
2. Complaint No 40/2019
Prem Kaur
Vs
M/s Omaxe Pvt Ltd.

Date of hearing: 13.03.2019

CORAM:-

Shri Rajan Gupta

Shri Anil Kumar Panwar

Chairman

Member

APPEARANCE:-

1. Shri Sudeep Singh Gahlawat, Advocate for the complainant
2. None for the respondent

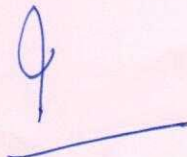
Order:

1. Both the captioned complaints are taken up together for hearing as they involve similar grievances and are against the same project of the respondent. This order is passed by taking complaint no. 38/2019-Neelam through Power of attorney holder Ramvir Singh vs M/s Omaxe Pvt Ltd as a lead case.
2. As per office record, first notice for filing reply was delivered to the respondent on 17.01.2019. On the last hearing the matter was adjourned

with the direction that a fresh notice be issued to the respondent to grant him last opportunity to present his case before the Authority. In compliance of said order a notice dated 20.02.2019 was issued to respondent to file his reply and the same got delivered successfully on 22.02.2019, but the respondent has neither filed his reply nor appeared at the time of hearing. Therefore, it is decided that matter will be proceeded ex-parte against respondent.

3. In brief the complainant's case is that she purchased a shop no. OSM/6 from the original allottee named Sh. Sunil Kumar Sharma in respondent's project "Omaxe Signature Mart" situated at Bahadurgarh on 05.05.2014. Subsequently she also made payment of Rs 1,08,524/- against a demand raised by the respondent vide demand letter dated 01.05.2014 which is annexed as Annexure P-3. Accordingly, an amount of Rs 3,25,575/- has been paid by complainant against the basic sale price of Rs 10,46,425/- of the unit. It is alleged that the respondent failed to develop the project as the construction work of the project has not even been started and no further demand has been raised by the respondent after 01.05.2014.


4. In view of above, it is evident from the payment receipts annexed as Annexure P-1 (Collectively) and Annexure P- 3 that respondent has received an amount of Rs.3,25,575/- upto 16.05.2014 from the complainant in respect of the unit no. OSM/6 but no allotment




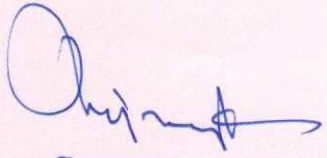
letter/agreement is executed in favour of complainant till date and no further demand has been made in last nearly four years. This conduct of respondent shows that he is not serious enough to proceed with the said project and have rather acted mischievously by keeping the money of the complainants from the last 4 years. In these circumstances the Authority finds this case fit for allowing refund of the money paid alongwith interest. Accordingly, the respondent is hereby directed to refund the paid amount Rs 3,25,575/- to the complainant alongwith interest prescribed in rule 15 of HRERA Rules, 2017 from the date of receipt of payment to the actual date of refund. The amount shall be paid in two instalments i.e. 50 % of the paid amount shall be paid within 45 days of uploading of this order and remaining 50 % of the amount in next 45 days.

5. Cost of Rs 10,000/- alongwith cost of Rs 5,000/- to be paid to the Authority and Rs 2,000/- to be paid to complainant shall also remain payable.

Disposed of. Orders be uploaded on the website and file be consigned to record room.


Dilbag Singh Sihag
Member


Anil Kumar Panwar
Member


Rajan Gupta
Chairman