

PROCEEDINGS OF THE DAY	
Day and Date	Tuesday and 19.03.2019
Complaint No.	2286/2018 Case titled as Praveen Chadha Vs Orris Infrastructures Pvt Ltd
Complainant	Praveen Chadha
Represented through	Complainant in person with Mr. Gulab Singh, Advocate
Respondent	M/s Orris Infrastructures Pvt Ltd
Respondent Represented through	Mr Satyander Kumar Goyal with Mr. Aminesh Goyal, Advocates on behalf of respondent M/s Orris Infrastructures
Last date of hearing	28.2.2019
Proceeding Recorded by	H.R.Mehta and S.L.Chanana

Proceedings

Project is not registered with the authority.

Since the project is not registered, notice under section 59 of the Real Estate (Regulation & Development) Act, 2016, for violation of section 3(1) of the Act be issued to the respondent. Registration branch is directed to do the needful.

Reply filed by the respondent. A brief is submitted by the counsel for the complainant.

Arguments advanced on behalf of the rival parties heard at length.

It is a piquant matter where it seems that both the parties have no legs to stand.

Brief facts of the complaint are that the complainant had paid an amount of Rs.3,00,000/- on 01.08.2015 and Rs.4,22,106/- by cheques on 01.08.2015 and 01.09.2015 respectively to the respondent in lieu of booking of commercial unit No.GF 190, in project Corinthia Commercial in Sector 82-A, Gurugram. Out of total amount of Rs.34,73,106/- paid to the respondent, the complainant has alleged to have paid an amount of Rs.20,79,000/- in cash to the respondent but failed to place on record any cogent evidence with regard to payment of Rs.20,79,000/- in cash to the respondent. Complainant further submits that a sum of Rs.6,72,000/- on account of interest @12% accrued till 21.11.2017 on the deposited amount shall be deposited in his account by the respondent. Complainant has placed on record a letter dated 09.09.2017 purportedly to have been issued on behalf of the respondent confirming therein that respondent have received a sum of Rs.37,50,000/- from the complainant and after adding interest component on this amount, the respondent assured the complainant that a sum of Rs.43,50,000/- shall be refunded to the complainant before 15th October, 2017. No BBA has been executed inter-se the parties till date. Licence of the project has since been expired in the year 2012.

Countering the allegations of the complainant, respondent in their reply have denied to have received a sum of Rs.20,79,000/- in cash from the complainant and also termed the letter dated 09.09.2017 placed on record by the complainant purportedly to have been issued on behalf of the respondent as fictitious and forged one which has no locus standi in the eyes of law.

On perusal of all these facts and acts on the part of the parties show something black at the bottom and some hanky punky being undertaken by both the parties. No allotment letter has been issued and no receipts seem to have been issued by the respondent. It tantamounts to misusing the authority of RERA by filing of such baseless, mischievous and frivolous complaint.

Keeping in view the pros and cons of the matter, there is no legal recourse left with the authority to entertain this complaint.



HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विश्राम गृह सिविल लाईंस, गुरुग्राम हरियाणा

Accordingly, complaint stands dismissed being devoid of merits. However,
no order as to costs.

File be consigned to the registry.

Samir Kumar
(Member)
19.03.2019

Subhash Chander Kush
(Member)