



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1524 OF 2019

Dwarka Dass Ahuja

....COMPLAINANTS(S)

VERSUS

Bigjos Estate Ltd.

....RESPONDENT(S)

**CORAM: Rajan Gupta
Dilbag Singh Sihag**

**Chairman
Member**

Date of Hearing: 03.03.2022

Hearing: 24th

Present: None for the complainant.

Shri Hemant Saini and Shri Himanshu Monga, Ld. counsels for the Respondent.

ORDER: (DILBAG SINGH SIHAG-MEMBER)

1. This execution was filed by the complainant seeking refund of Rs. 6,93,000/- along with interest as per Rule 15 of HRERA Rules, 2017. Complainant had sought exemption from appearing in this case stating that he is at advance age of more than 81 years old and presently suffering from various old age ailments. Same was granted to him.

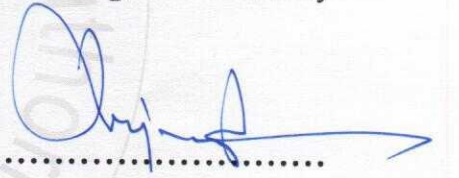
2. Total amount of Rs. 16,90,784/- was to be refunded to the complainant including interest of Rs. 9,97,784/-. Demand draft of an amount of Rs. 6,93,000/- was given by the respondent but interest amounting to Rs. 9,97,784/- was not paid till date. Learned counsel for the respondent sought many adjournments but sorry to mention that he did not pay interest amount and have least concern for an old man which is very bad and be taken very seriously by this Authority.

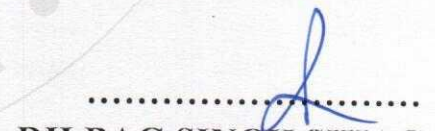
3. So, on 21st hearing, respondent's bank account was attached to the extent of outstanding amount payable to the complainant, however no report was sent by the bank regarding attachment. On the next date, reminder to attach the bank account was sent to the bank but again no report was received from the bank. Such indifferent attitude of the bank compel to take a strict action against Manager of the bank also.

4. While perusing case file Authority observed that this is a 2019 execution petition and even after 23 hearings respondent has not complied with the order. Authority decide to explore alternative remedy to satisfy the decree holder/complainant. Therefore, Authority, in exercise of powers conferred on it under section 40 of the Real Estate (Regulation and Development) Act, 2016 and Rule 27 of Haryana Real Estate (Regulation and Development) Rules, 2017, for recovering the amount payable under its order dated 25.04.2019 as arrears of

land revenue. So, a certificate be issued for Rs. 9,97,784/- in favor of the complainant by the concerned District Collector. Collector shall proceed immediately to recover the same in the same manner as arrears of land revenue by getting auctioned one or two unsold plot of the respondent's project Bigjos City, Gannaur sector 6,7 and 8, Sonipat within 60 days. Copy of this order be also supplied to complainant so that he may prosecute the recovery proceeding before collector within stipulated time. The District Collector shall send a compliance report to this Authority. A.O petition is being directed to send a copy of this order to Collector, Sonipat within two days of uploading of this order.

5. Case is adjourned to 07.06.2022 for monitoring of recovery proceedings.


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RAJAN GUPTA
(CHAIRMAN)


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DILBAG SINGH SIHAG
(MEMBER)