



Complaint no. 1436 of 2020

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1436 OF 2020

Raj Pal Singh

....COMPLAINANT(S)

VERSUS

Housing Board Haryana

....RESPONDENT(S)

CORAM:

**Rajan Gupta
Dilbag Singh Sihag**

**Chairman
Member**

Date of Hearing:

07.04.2022

Hearing:

20th

Present:-

Mr. Arjun Kundra, Learned counsel for the complainant
Mr. Anil Garg, Learned counsel for the respondent
through video conferencing

ORDER (DILBAG SINGH SIHAG-MEMBER)

While initiating his pleadings, learned counsel for the complainant submitted that complainant had booked an apartment in respondent's project situated at Dadri, Haryana by submitting an application alongwith a booking amount of Rs. 1,69,000/- on 21.03.2022 . Complainant paid an amount of Rs. 3,38,000/- by February 2015 against tentative price of Rs. 16.90 lakhs mentioned in the prospectus annexed as Annexure C-1 of complaint file. An

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undated allotment letter was issued in favour of complainant in the year 2015 annexed as Annexure C-3 of the complaint book. As per clause 4 of the brochure, possession of the flat should have been delivered by September 2016. It is alleged by complainant that even after a lapse of more than five years, respondent board has yet to finalise the site for construction of flats. Since there has been an extraordinary delay in offering possession of booked unit, complainant does not wish to wait endlessly for possession. Feeling aggrieved, complainant has filed present complaint seeking refund of paid amount along with permissible interest as per provision of Rule 15 of HRERA Rules 2017.

2. Learned counsel for the complainant further argued that respondent has retained an amount of approx Rs. 3,38,000/- for more than five years without undertaking construction work at site. Thus he prayed that directions may be issued to respondent to refund his paid amount of Rs. 3,38,000/- alongwith permissible interest as per provision of Rule 15 of HRERA Rules 2017.

3. On the other hand, respondent in its written submissions pleaded that as per planning, flats were planned to be ready for allotment by 28.02.2017, however, due to technical reasons, construction of the project could not be started. Thus, respondent authority has already started process for refund of the deposited amount to the applicants. Complainant in this case has requested for refund on 05.03.2018 and has been entered at serial no. 3658 in the seniority list of 2018.

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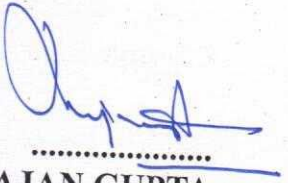
Mr. Anil Garg, learned counsel for respondent further confirmed that since the project could not take shape, respondent board has already started process to refund amount deposited by various applicants. As complainant has already filed an application before respondent seeking refund, his application will be processed in due time. Further in the light of above facts, present complaint is not maintainable.

4. In view of above submissions, Authority observes that complainant in present complaint had booked a flat in the project of the respondent, and against said booking had deposited an amount of approx Rs 3 lakh with the respondent by the year 2015. As per submission of respondent construction of said project could not be started due to some technical reasons and subsequently due to failure in developing the project, respondent board has started refund of paid amount to all applicants. But, respondent failed to produce on record any document substantiating pertaining to complainant in particular from which it can be ascertained that process for refund of paid amount has formally been initiated. Therefore, Authority deems it fit to issue directions to the respondent Housing Board Haryana to refund the amount paid by complainant alongwith delay interest calculated in terms of Rule 15 of HRERA Rules 2017 i.e at the rate of SBI MCLR + 2 % . The amount of interest payable to the complainant has been calculated at the rate of 9.30% and same works out to Rs 2,38,339/- Therefore, respondent is directed to pay an amount of Rs 5,76,339/- as refund of deposited money alongwith interest to the complainant within 90 days.

Amount shall be paid in two instalments, first instalment of 50% of amount shall be paid within 45 days of uploading of this order and remaining amount to be paid as second instalment within next 45 days.

8. With above directions, case is disposed of. Order be uploaded on the website of Authority and file be consigned to record room.





RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SIHAG
[MEMBER]