



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 774 OF 2020

Padam S BansiwalCOMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd.RESPONDENT

Hearing: 9th

2. COMPLAINT NO. 1155 OF 2020

Vishrut Mittal through SPA Mrs ShobhaCOMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd.RESPONDENT

Hearing: 8th

3. COMPLAINT NO. 1260 OF 2020

Neelam Jaitley through SPA Avtar KrishanCOMPLAINANT

VERSUS

Ferrous Infrastructure Pvt. Ltd.RESPONDENT

Hearing: 7th

CORAM: **Rajan Gupta** **Chairman**
 Dilbag Singh Sihag **Member**

Date of Hearing: 22.04.2022

Present: - Mr. J.S. Rana, learned counsel for the complainants
 through VC (in all complaints)

Mr. Sourabh Goel , learned counsel for the respondents through VC (in both complaints)

ORDER (RAJAN GUPTA-CHAIRMAN)

1. Learned counsel for the complainants stated during hearing that the decision already taken by Authority in bunch of cases with lead case Complaint No. 762 of 2018 titled as Rakesh Kumar Versus M/s Ferrous Infrastructure Private Limited and Others squarely covers the controversy involved in the above mentioned complaints. Hence, these complaints may be disposed of in same terms.

2. Relevant portions of **Complaint no. 762 of 2018** titled as **Rakesh Kumar versus M/s Ferrous Infrastructure Private Limited and Others** is reproduced below :-

“ 13. In view of above captured facts and circumstances and finding in lead complaint case No.826 of 2018 the project does not appear feasible to be completed within foreseeable period of time, because the licences needs to be bifurcated; liability towards pending EDC, IDC and other charges towards the state Government needs to be discharged; building have to be made structurally safe; unauthorised construction may have to be either regularised or demolished as per policy of the State Govt; and pending construction works including infrastructural works have to be completed without fulfilling these requirements, the project will not be granted occupation Certificate by the state Government. Needless to add that inter-se disputes amongst the partners companies also have to be resolved. These are tough and time-consuming tasks with uncertain outcome.

Regarding the arguments of the respondent that relief of refund cannot be granted because the same has not been asked for, it is observed that even though most of the complaints have not sought the relief of refund of the money, but the Authority, in view of the explained facts and circumstances, is not in a position to grant them the demanded relief of possession of apartments within a specified

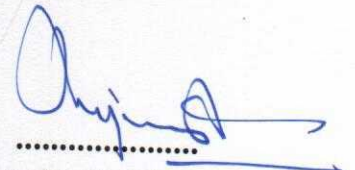


time frame. Therefore, alternate reasonable relief becomes admissible. Accordingly, the only feasible relief that can be given to the complainants is to refund the amounts paid by the complaints to the respondent along with interest calculated in accordance with Rule 15 of the HRERA Rules. This interest shall be calculated from the dates of payments made by the complainants up to the date of uploading of this order on the website of the Authority.

14. Those complainants who do not wish to get refund of the money and instead they wish to get possession of their apartments, they may wait till all the problems are resolved and project is completed, thereafter they will be offered possession of the apartments along with compensation in accordance with principal laid down in Complaint no. 113 of 2018, titled as Madhu Sareen, Versus BPTP and complaint no. 49 of 2018, titled as Prakash Chand Arohi Versus M/s Pivotal Infrastructure Pvt. Ltd.”

3. The Authority is satisfied that the issues and controversies involved in present complaints are of similar nature as bunch of cases with lead case Complaint No. 762 of 2018 titled as Rakesh Kumar Versus M/s Ferrous Infrastructure Private Limited. Therefore, captioned complaints are disposed of in terms of the order passed by Authority in Complaint no. 762 of 2018.

Disposed of. Files be consigned to record room after uploading of this order on the website of the Authority.



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RAJAN GUPTA
[CHAIRMAN]



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DILBAG SINGH SIHAG
[MEMBER]