



Complaint no. 334, 375 &  
376 of 2020

## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### 1. COMPLAINT NO. 334 OF 2020

Anita Ravish .....COMPLAINANT(S)

VERSUS

M/s Aarcity Builders Pvt. Ltd .....RESPONDENT(S)

### 2. COMPLAINT NO. 375 OF 2020

Satya Bala .....COMPLAINANT(S)

VERSUS

M/s Aarcity Builders Pvt. Ltd .....RESPONDENT(S)

### 3. COMPLAINT NO. 376 OF 2020

Varun Roperia .....COMPLAINANT(S)

VERSUS

M/s Aarcity Builders Pvt. Ltd .....RESPONDENT(S)

**CORAM:** **Rajan Gupta** **Chairman**  
**Dilbag Singh Sihag** **Member**  
**Date of Hearing:** 05.05.2022  
**Hearing:** 6th  
**Present:-** Mr Pardeep Solath, Counsel for the complainant.  
Ms Shekhar Verma, Counsel for respondent

### ORDER (RAJAN GUPTA-CHAIRMAN)

Captioned complaints have been taken up together as grievances and facts of the matters are identical and against the same project of respondent. Taking complaint no 334 of 2020 as lead case, facts averred are that

complainant had agreed to purchase flat no. 501 in Tower B in the project of the respondent namely 'Regency Park' situated at Hisar. Total sale consideration of the flat was Rs 27,36,200/- against which complainant paid an amount of Rs 22,72,142/-. Flat buyer agreement was executed between both the parties on 05.11.2012. As per said agreement possession of flat should have been delivered by the year 2016. Even after a delay of more than four years respondent has failed to deliver possession of booked unit. Since respondent has failed to develop said project and there has been a considerable delay. Complainant has filed present complaint seeking relief of refund of paid amount along with interest.

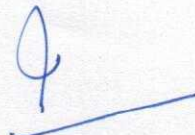
2. On the other hand, respondent in his written submission averred that more than sixty percent work has been completed in the project. Project consists of seven towers besides villas and EWS. Villas have already been completed and occupation certificate has been applied for the same. It is submitted that respondent company due to non payment of instalments by various allottees of the project faced a serious lack of funds which gravely delayed development of the project. There are still many allottees who have yet to clear their outstanding dues. Despite this, respondent company has invested a huge sum of money from its own sources and is endeavouring for speedy completion of the project.



During the course of hearing dated 24.03.2022, learned counsel for respondent submitted that recently respondent has actively begun construction of the project. Phase 1 of the project, which includes tower in which the flat of complainant is located, is nearing completion and units are ready for handing over of possession. Respondent will soon apply for occupation certificate and issue offer of possession to various allottees. It was further submitted that the unit booked by complainant will also be soon ready for handing over possession. In light of this fact, Authority had given complainants an opportunity to exercise their option in case they wish to take possession of their booked flats instead of seeking refund of the paid amount.

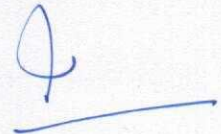
3. Today, Shri Pardeep Solath, learned counsel for complainants submitted that after due consideration complainants do not wish to continue with the project. As per the submission of learned counsel for respondent, counsel though the project is nearing completion but it is yet to be completed. Complainants who have already waited for more than 10 years are not interested to wait any further for possession of unit. He again reiterated his prayer that complainants in present complaint are insisting on refund of paid amount with interest, therefore, their request may accordingly be granted.

4. In view of above submissions of both the parties, Authority observes that complainants in present complaint had booked a unit in Tower B of the project of the respondent in 2011 and by the year 2016, had paid an



amount of Rs 22,72,142/- for the boked unit which is more than 80 % of total sale consideration of the flat. Possession of flat should have been delivered by the year 2016. However, it has been more than 5 years and the project of the respondent is yet to be completed. As per submissions of respondent, the project is nearing completion and they are likely to apply for grant of occupation certificate soon. The Authority observes that the project of the respondents is nearing completion, and now most of the allottees who were previously asking for refund of the money are willing to take possession. Authority is monitoring progress of the project on periodic basis for ensuring its completion and handing over possession of apartments to allottees.

5. In this case delay of more than 5 years has already taken place and complainant insists on refund of money paid by him. There are adequate number of allottees of phase-II who are willing to be relocated to phase-I. Accordingly, allowing refund in the present matter will not adversely affect progress of the project which is at advance stage of completion. Authority accordingly allows refund of the money paid by complainant along with delay interest calculated @ 9.40 % which is rate of MCLR+2% on the date of passing the order. The money shall be returned by respondents within time period prescribed in Rule 16 of the RERA Rules.



5. In complaint no. 334 of 2020, complainant had deposited an amount of Rs 22,72,142/- with the respondent. The said interest has been calculated at the rate of 9.40% and same works out to Rs 19,39,664/-. The total money to be returned to the complainant works out to Rs. 42,11,806/-.
6. In complaint no. 375 of 2020, complainant had deposited an amount of Rs 20,91,769/- with the respondent. The said interest has been calculated at the rate of 9.40% and same works out to Rs 17,78,384/-. The total money to be returned to the complainant works out to Rs. 38,70,153/-.
7. In complaint no. 376 of 2020, complainant had deposited an amount of Rs 26,08,800/- with the respondent. The said interest has been calculated at the rate of 9.40% and same works out to Rs 21,14,760/-. The total money to be returned to the complainant works out to Rs. 47,23,560/-.
8. Cases are disposed of. Order be uploaded on the website of Authority and files be consigned to record room.



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**RAJAN GUPTA**  
**[CHAIRMAN]**



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**DILBAG SINGH SIHAG**  
**[MEMBER]**