

PROCEEDINGS OF THE DAY

Day and Date	Wednesday and 27.03.2019
Complaint No.	2397/2018 Case titled as Sandeep Sahanan & Krishan Kumar Sahanan VS Ansal Housing And Construction Limited
Complainant	Sandeep Sahanan & Krishan Kumar Sahanan
Represented through	Ms. Priyanka Agarwal representative on behalf of the complainant.
Respondent	Ansal Housing And Construction Limited
Respondent Represented through	Mr. Vaibhav, authorized representative on behalf of the respondent with Ms. Meena Hooda, Advocate.
Last date of hearing	First hearing
Proceeding Recorded by	Naresh Kumari & 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.

Part arguments heard.

Today case was fixed in 28 number of cases for submission of Local Commissioner report which has been received and placed on record. Copy of the report be supplied to both the parties. The operative part of the LC report reads as under:-

"The site is physically inspected and it is concluded that

the overall progress of the project is only 55%."

In view of the prevailing circumstances, there are certain worrisome points which have been expressed by the complainant which are enlisted as below:-

- (i) That the project is not registered as a result of which notice under section 59 of the Real Estate (Regulation & Development) Act, 2016, for violation of section 3(1) of the Act has already issued by the registration branch.
- (ii) The license of the builder/promoter/respondent is not renewed as on date which is again a serious matter.
- (iii) No escrow account has been opened to show the bonafide of the builder in order to indicate his sincerity and truthfulness to complete the project. The builder is directed to open an escrow account today itself and submit the details of the said account mentioning therein how much amount the respondent had collected from the buyers in that account.
- (iv) The respondent is directed to get his registration renewed within one month of passing of this order failing which it will be presumed that respondent does not intend to complete the project and the project will be treated to have been abandoned and authority shall be at liberty to order refund of the amount received from the complainant alongwith prescribed rate of interest i.e. 10.75% per annum.
- (v) However, all the complainants are entitled to get late delivery possession charges at prescribed rate of interest i.e. 10.75% per annum till the actual date of physical possession offered to them.
- (vi) The affidavit dated 27.3.2019 submitted by the counsel for the respondent is not on the stamp paper. Para No.4 of said affidavit is re-produced as under:-

“That the construction of the project is in full swing and the promoter are endeavoring there best to deliver the tower number H and I in the month of August, 2019, well before the date of possession given before RERA”.(i.e. December, 2021).

Respondent is directed to submit an affidavit on stamp paper duly signed by the authorized signatory of the respondent. Affidavit should completely mention the tower wise completion of the project. It seems that the builder is not serious w.r.t. completion and delivery of project and he is taking every body for a ride and guaranteed.

Name of the project shall be delivered in August 2019.

Case is adjourned to 9.5.2019 for filing complete documents as well as registration certificate and affidavit regarding renewal of license. The Director of the Company/ duly authorized representative who signed the affidavit shall come present before the authority on the date fixed i.e. 9.5.2019.

Samir Kumar
(Member)
27.3.2019

Subhash Chander Kush
(Member)