



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 1072 OF 2021

Ajay Ahuja

....COMPLAINANT

VERSUS

RPS Infrastructure Ltd.

.....RESPONDENT

2. COMPLAINT NO. 1073 OF 2021

Ajay Ahuja

....COMPLAINANT

VERSUS

RPS Infrastructure Ltd.

.....RESPONDENT

CORAM: Nadim Akhtar
Chander Shekhar

Member
Member

Date of Hearing: 03.02.2025

Hearing: 12th

Present: - None for the complainants.

Adv. Garvit Gupta, counsel for respondent through VC.

Mr. Rohit Mittal Advocate, counsel for M/s Wonder Infracon Pvt. Ltd through VC.

ORDER (NADIM AKHTAR-MEMBER)

1. As per last order dated 21.10.2024, Authority passed following directions:

After hearing averments of parties, Authority orders as follows:

- a. *M/s Wonder Infracon Pvt. Ltd. is ordered to submit documents that prove any relationship between the complainant and M/s Wonder Infracon Pvt. Ltd. Additionally; they must provide evidence that an agreement was executed with the complainant on 07.03.2018.*
- b. *The complainant is directed to file an application clarifying the specific relief sought and to submit documentation showing how and by whom the full consideration amount for the unit in question was paid?*
- c. *Authority further directs that all documents must be submitted at least four weeks prior to the next hearing date.*

2. Today, Learned Counsel Rohit Mittal appeared on behalf of M/s Wonder Infracon Pvt. Ltd. and requested additional time to comply with the Authority's previous directions. He cited the company's office relocation as the reason for the delay in filing the required documents.
3. Advocate Garvit Gupta appeared on behalf of the respondent and stated that the respondent was unaware of the transactions between the complainant and M/s Wonder Infracon Pvt. Ltd. He referred to an order dated 05.07.2022, wherein the Authority directed that, "since the construction of the project was nearly complete, the respondent must hand over possession of the allotted unit to the complainant after obtaining the occupation certificate. Additionally, the promoter-respondent was held liable to pay interest for the delay in handing over possession from the deemed date of possession until the actual and lawful delivery of the unit.



The order also stated that the complainant's right to seek refund from the Authority was forfeited." However, the Authority clarified that the order dated 05.07.2022 was an interim order and not the final order. Learned counsel for the respondent argued that the deemed date of possession was 12.02.2022, whereas the complainant had filed these complaints in 2021, making them premature. Authority noted that the complainant had already sought refund in the year 2021. The learned counsel for the respondent also contended that the respondent was not at fault at the time the complaint was filed. Furthermore, the Authority in its earlier orders dated 21.10.2024 has asked the complainant regarding the payment of the remaining sale consideration, as only ₹17.5 lakhs had been paid out of the total amount. The Authority sought clarification on how and by whom the balance amount was settled. No one was present on behalf of complainant. However, learned counsel for the respondent replied that the remaining payment had already been settled by the respondent in an SBI account.

4. Given the circumstances, Authority orders as follows:

- a. Authority grants last opportunity to the M/s Wonder Infracon Pvt. Ltd. to submit documents that prove any relationship between the complainant and M/s Wonder Infracon Pvt. Ltd. Additionally; they must provide evidence that an agreement was executed with the complainant on 07.03.2018.



- b. Respondent is directed to provide documentary evidence confirming that the loan amount has been settled with the SBI bank account.
- c. Authority further directs that all documents must be submitted at least two weeks prior to the next hearing date.
5. Cases are adjourned to 07.04.2025.


CHANDER SHEKHAR
[MEMBER]


NADIM AKHTAR
[MEMBER]