



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 138 of 2023

KLJ Developers Private Limited

...COMPLAINANT(S)

Versus

Haryana Shehri Vikas Pradhiakaran through its Chief Administrator

....RESPONDENT

CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar

Member
Member

Date of Hearing: 15.03.2023

Hearing: 3rd

Present: - Mr. Yash Pal Sharma, learned counsel for the complainant through video conferencing
Mr. Parveen Mehta, learned counsel for the respondent through video conferencing

ORDER (NADIM AKHTAR-MEMBER)

Today, Mr. Parveen Mehta, learned counsel for the respondent stated that the respondent has published an advertisement in newspaper for inviting

applications for allotment of free hold residential plots of the project on 19.10.2015 for general category and on 21.12.2015 for reserved category. The allotments of the said plots were through draw of lots. Out of total numbers of plots, some of the plots were not allotted as the same fall under the category of leftover plots. The respondent, in view of their latest e-auction policy dated 20.05.2021, had included those surplus plots in the sale through e-auction which was conducted in August, 2022. In the said auction, the complainant participated and became the successful bidder of eight plots. He further submitted that out of these eight plots, the complainant has already paid the entire amount of two plots i.e., plot no.68 and 245. Pursuantly, the possession letter of the plots has already been issued by the respondent on 15.02.2023. However, complainants had concealed this fact from the Authority that he has paid the amount in respect of the plot no.68 and plot no.245 of the project.

He further argued that the process of selling the plots was started after completion of development works much prior to the enactment of the RERA Act and provisions of RERA are prospective in nature. Thus provisions of RERA pertaining to registration of project are not applicable on this project.

He further stated that once the development works in a project are complete, HSVP offer possession to the allottees. The plots of the complainant are the leftover plots which the respondent has included for e-auction in the year 2022 i.e., much before the completion of the development works. He further



stated that the complainants are bound to pay the rest of 75% of the bid amount as per the terms and conditions of the letter of intent. Once the complainant will pay the entire amount, HSVP will handover the physical possession of the plots to the complainant.

2. Mr. Yash Pal Sharma, learned counsel for the complainant on the other hand, submitted that respondent has cancelled plot no. 247 out of the six plots of the complainant on which the stay was granted by this Authority vide order dated 18.01.2023. He further stated that as per section 13 of the Act, the promoter shall not accept more than 10% of the cost of the plot or building without registering and entering into an agreement of sale but respondent has till date not entered into an agreement for sale. Therefore, respondent cannot be allowed to receive any further amounts from the complainant in respect of the plots. However, as respondent has cancelled one of the plots, complainant in order to safeguard itself from the cancellation of other plots, has paid remaining 75% of the bid amount along with penal interest under protest in all the remaining cases. Thus, he prayed before this Authority to direct the respondent to restore their plot no.247 as he had already paid the balance 75% of the bid amount.

He further contended that the respondent has not given the physical possession of any of the plots till date including the allotted plots as well as the leftover plots. He further stated that development works of the project have still not been completed. In support of his argument, he wants to submit his written



submissions along with latest site photographs of the project on the next date of hearing.

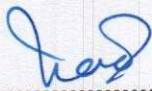
On the point of the registration, he further argued that any ongoing project requires registration under RERA Act. So as per the mandate of law, the respondent promoter is liable to register their project.

3. Considering the submissions of both the parties and perusal of record, Authority observes that vide order dated 18.01.2023, Authority has ordered the respondent not to cancel the allotment of the plot or impose penalty/ fine on the complainant for non-payment of the amount till the appropriate directions are given by this Authority. However, respondent has cancelled one of the plots of the complainant without any direction of the Authority which is a clear violation of the order of this Authority. Therefore, respondent is directed to restore the cancelled plot of the complainant. Complainant is further directed to submit his written submissions along with proof of payments made in respect of all the plots by the next date of hearing.

Learned counsel for the respondent is further directed to fix a date for handing over the physical possession to the complainant in respect of all the plots.

4. Case is adjourned to 09.05.2023.


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Dr GEETA RATHEE SINGH
[MEMBER]


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NADIM AKHTAR
[MEMBER]