



Complaint nos. 1505/19 & Ors.

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 1505 OF 2019

Anil Kumar

...Complainant

Versus

Alpha Corp. Development Pvt. Ltd.

...Respondent

(3rd hearing)

2. COMPLAINT NO. 1506 OF 2019

Anil Kumar

...Complainant

Versus

Alpha Corp. Development Pvt. Ltd.

...Respondent

(3rd hearing)

3. COMPLAINT NO. 1507 OF 2019

Sunila Bajaj

...Complainant

Versus

Alpha Corp. Development Pvt. Ltd.

...Respondent

(3rd hearing)

4. COMPLAINT NO. 1508 OF 2019

Sunila Bajaj

...Complainant

Versus

Alpha Corp. Development Pvt. Ltd.

...Respondent

(3rd hearing)

5. COMPLAINT NO. 1509 OF 2019

Sunila Bajaj

...Complainant

Versus

Alpha Corp. Development Pvt. Ltd.

...Respondent

(3rd hearing)

6. COMPLAINT NO. 1510 OF 2019

Baldev Kumar

...Complainant

Versus

Alpha Corp. Development Pvt. Ltd.

...Respondent

(3rd hearing)

7. COMPLAINT NO. 1511 OF 2019

Baldev Kumar

...Complainant

Versus

Alpha Corp. Development Pvt. Ltd.

...Respondent

(3rd hearing)

8. COMPLAINT NO. 2419 OF 2019

Neelam Rani

...Complainant

Versus

Alpha Corp. Development Pvt. Ltd.

...Respondent

(1st hearing)

CORAM:

Rajan Gupta

Chairman

Anil Kumar Panwar

Member

Date of Hearing: 06.11.19

Hearing: 3rd

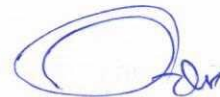
Present: - Sh. Gaurav Gupta, Counsel for complainants
Smt. Parul Singh, Counsels for respondent

ORDER (ANIL KUMAR PANWAR-MEMBER)

The complainants in the above titled complaints have booked plots in respondent's project named "Alpha International City" situated in Sector-4, Fatehabad. Possession was offered by the respondent to the complainants in the year 2013 but they refused to accept the same because project land was subject matter of a pending civil suit. The complainants are now praying for possession and delay compensation.

2. The controversy between the parties is on the point as to whether or not the respondent is liable to pay delay compensation after the date on which he had offered possessions to the complainants. According to him, the complainants are not entitled to compensation because they had booked plots with knowledge of pending litigation and their refusal to accept the offer of possession amounted to delivery of possession.

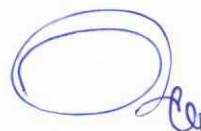
3. The complainants' plea on the other hand is that the factum of litigation was not known to them and the respondent has concealed this fact at the time of booking of the plots. According to them, the litigation is still pending adjudication



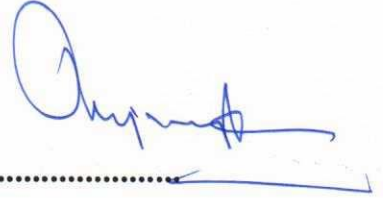
before the Hon'ble Punjab and Haryana High Court, Chandigarh in LPA No. 658 of 2012 and therefore, they are entitled to delay compensation till a clear title sans of any litigation is offered to them. It was further argued on behalf of complainants that offers made in the year 2013 even otherwise were not valid offers because the promoter has not obtained completion/part-completion certificate till that time from the concerned authority.

4. During the course of arguments, it has transpired that the plots allotted to the complainants were not over that part of land in respect of which litigation is pending. However, there is no proof placed on record to substantiate such contention of the respondent. He is, therefore, directed to place on record the documents capable of proving that the plots allotted to the complainants are situated on the land free from litigation.

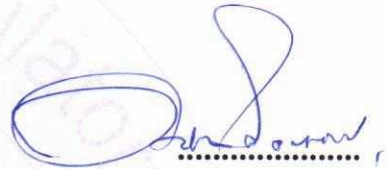
5. At this stage, learned counsel for the respondent submits that her client is ready to deliver possession to the complainants of their respective plots provided they deposit all outstanding dues alongwith interest. The complainants are also ready to take possession if the actual amounts payable by them is first disclosed by the respondent. So, the respondent is directed to prepare the statement of payable and receivable amounts and supply its copy to the complainants atleast one week before the next date. The complainants shall file their objections, if any, in respect of any of the amount which according to them is not payable by them.



6. Cases are adjourned to **18.12.2019** with the direction to the respondent for endeavoring an amicable settlement of dispute by offering a reasonable compensation to the complainants towards the delay in offering of possessions.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]

