



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1761 OF 2022

Sumit Kanchi

....COMPLAINANT

VERSUS

Harsha Associates Pvt Ltd.

.....RESPONDENT

CORAM: **Nadim Akhtar**

Member

Dr. Geeta Rathee Singh

Member

Date of Hearing: 23.11.2022

Hearing: 2nd

Present: - Mr. Himanhsu Malik, Ld. counsel for the complainant through VC.

Mr. Sumit, Ld. counsel for the respondent through VC.

ORDER (NADIM AKHTAR - MEMBER)

Today is the 2nd hearing of the case. Reply is filed in the registry of the Authority. Brief facts of the complaint are that the complainant bought a shop in the mall developed by the the respondent M/s Harsha Associates Pvt. Ltd. bearing shop no. 21 on ground floor at Multiplex Cinema situated at sector 12, P-1 Karnal belonging to M/s Harsha Associates Pvt. Ltd. Allotment letter dated 27.02.2019 was signed by the parties, wherein, it is stated that complainant had paid an amount of Rs. 20,00,000/-. Vide endorsement total sale consideration of the said unit was fixed for Rs. 1,47,50,000/- Till date complainant has paid an amount of Rs. 40,00,000/-. Grievance of the complainant is that when he

approached IDBI Bank for loan, bank in return asked for certain documents in order to sanction loan. These documents included non encumbrance certificate/ NOC from HUDA, clearance certificate/ no dues certificate from the respondent and bank, and receipt of clearance of dues from municipal corporation. Complainant alleges that he approached respondent and made several requests to the respondent but no co-operation was shown at the end of respondent in providing these documents. He has further alleged that despite acknowledging the fact in the endorsement dated 24.05.2019 whereby both the parties mutually agreed to provide necessary documents including documents for sanctioning of loan. Complainant vide letter dated 29.05.2019 requested respondent to provide required documents, however he did not get any cooperation.

2. On the other hand respondent had submitted that total sale consideration was fixed for Rs. 1,57,50,000/- and acknowledges the fact that complainant has paid a sum of Rs. 30,00,000/-. Counsel for respondent had submitted that the said endorsement letter also provides a clause wherein it is mentioned that if allottee fails to pay the rest of the payment timely, the earnest money shall be forfeited by the builder. He has further challenged the contention of the complainant and submitted that the respondent had timely provided all the documents.

3. Authority observes that though both the parties have submitted their facts. They have not annexed any documents to support/corroborate their

averments. Complainant has submitted that he applied for loan and certain documents were required, wherein, he has not annexed any proof of the said application moved by him for sanctioning of loan. On the other hand, respondents had disputed the fact of total sale consideration, however it has also not provided any document to facilitate the Authority to ascertain the same. Further, respondent has contented that he has provided all the necessary documents required for which again he has not provided any document to corroborate his statement. Therefore, Authority directs both the parties to submit their written submission attached with annexures to corroborate their statements before the next date of hearing and supply an advance copy to each other.

4. Case is adjourned to 21.02.2023.


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DR. GEETA RATHEE SINGH
[MEMBER]


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NADIM AKHTAR
[MEMBER]