



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2345 OF 2022

Ram Prakash

....COMPLAINANT

VERSUS

TDI Infrastructure Ltd.

....RESPONDENT

CORAM:

Dr. Geeta Rathee Singh

Member

Nadim Akhtar

Member

Date of Hearing: 02.08.2023

Hearing: 3RD

Present: -

Mr. Gaurav Gupta, Counsel for Complainant,
through VC

Mr. Shubhnit Hans, Counsel for respondent.
through VC

ORDER (DR. GEETA RATHEE SINGH- MEMBER)

1. On the last date of hearing i.e. 25.04.2023 following order was passed:-

"In this case, a plot had been booked by original allottee Mr. Vijay Kumar Ahuja in the project of the respondent namely 'TDI City' situated at Kundli, Sonapat in the year 2005. Vide allotment letter dated 31.01.2006, original allottee was allotted plot bearing no. H-819 measuring 250 sq. yds. Original allottee deposited a total amount of ₹ 15,65,123/- till 07.09.2011 with the respondent in respect of the booking. The allotment as well as rights in respect of the plot were transferred in the name of subsequent allottee i.e Ms Navneet Kumar Bhatia(HUF) vide application dated 03.10.2011 and

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thereafter vide application dated 03.07.2013, the rights were transferred in the name of complainant and an allotment letter of same date i.e 31.01.2006 was issued in the name of complainant. A plot buyer agreement was executed between the complainant and the respondent on 24.02.2014. It is pertinent to mention that no certain date of delivery of possession has been mentioned in the plot buyer agreement. The total sale price of the plot was fixed at ₹ 16,03,125/- against which a total amount of ₹ 15,65,123/- has been paid to the respondent. It is submitted by the complainant that even after a lapse of more than eight years from execution of buyers agreement respondent has failed to offer possession of booked plot. Therefore, complainant has filed present complaint seeking possession of the booked plot along with delay interest for delay caused in delivery of possession.

Respondent in its written statement has submitted that due to some unforeseen circumstances the actual plot booked by the complainant could not be constructed. In this regard respondent had issued a letter dated 19.03.2019 apprising the complainant of the same. Further, vide said letter respondent had offered an alternative unit to the complainant and also offered to get the amount paid towards the booking of the plot in some other project of the respondent company. However, the complainant did not come forward to respond to the letter sent by respondent.

Mr. Shubhnit Hans, learned counsel for the respondent submitted that the piece of land on which the plot in question was to be constructed is under dispute with the local farmers because of which respondent is unable to develop said land and hand over possession to complainant. Vide letter dated 19.03.2019 respondent has already offered possession of an alternate unit of choice to the complainant, however the complainant has failed to respond to the same. If complainant is interest in taking possession, complainant may visit the site of the project and opt for another unit of his choice.

Mr. Gaurav Gupta, learned counsel for the complainant submitted that the complainant is interested in possession of a plot along with delay interest. In case respondent cannot offer possession of booked plot, complainant is willing to accept possession of an alternate

unit. He prayed that a date may be fixed by the Authority to visit the site for finalising an alternate unit and respondent may be directed to facilitate the same.

*In view of above submissions, complainant is directed to visit the site of the project i.e TDI City, Kundli on **05.05.2023** for selection of an alternate unit. A representative of the respondent will be available at site to facilitate the visit. If complainant opts for an alternate unit of his choice, respondent shall provide him with a detailed statement of accounts including all payable receivables after adjustment of the amount already deposited by the complainant with the respondent towards original booking. Both parties will file a detailed report of the site visit and terms and condition of the alternate booking before next date of hearing.*

Case is adjourned to 02.08.2023."

2. Ld. counsel for complainant submitted that complainant visited the site office on the date fixed but no one was present on behalf of respondent to show the alternate plots. In rebuttal, ld. counsel for respondent stated that as per his instructions complainant did not visited the site on the date fixed and a letter dated 29.07.2023 has also been issued to complainant in this regard. He requested that another date be fixed for alternate plot. Ld. counsel for complainant agreeing to this proposal stated that respondent should provide the details of concerned person of respondent before the date of site visit.
3. In view of the above, Authority directs the complainant to visit the site of the project i.e TDI City, Kundli on **10.08.2023 at 11:00 am** for selection of an alternate unit. Respondent promoter shall ensure that a senior representative of the respondent will remain available at site to show the alternate units offered for selection. Details of said representative like name and contact no.

will be shared by respondent to complainant as well as to Authority by way of email upto **08.08.2023** positively. If complainant opts for an alternate unit of his choice , respondent shall provide him with a detailed statement of accounts including all payable receivables after adjustment of the amount already deposited by the complainant with the respondent towards original booking. Respondent will file a detailed report of the site visit and terms and condition of the alternate booking before next date of hearing.

4. Case is adjourned to **05.10.2023**.



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NADIM AKHTAR
[MEMBER]



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DR. GEETA RATHEE SINGH
[MEMBER]