



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 2418 OF 2019

Rajesh

....COMPLAINANT(S)

VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)

2. COMPLAINT NO. 2408 OF 2019

Adarsh Sharma and Mahendra Pal Sharma

....COMPLAINANT(S)

VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)

3. COMPLAINT NO. 2423 OF 2019

Anil Kumar Dubey

....COMPLAINANT(S)

VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)

4. COMPLAINT NO. 2424 OF 2019

Krishna Chandra Joshi

....COMPLAINANT(S)

VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)

5. COMPLAINT NO. 2427 OF 2019

Sachin Sharma

....COMPLAINANT(S)

VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)

6. COMPLAINT NO. 2428 OF 2019

Ashwani Sharma and Mohini Sharma

....COMPLAINANT(S)

VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)

7. COMPLAINT NO. 2432 OF 2019

Davinder Behal

....COMPLAINANT(S)

VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)

8. COMPLAINT NO. 2439 OF 2019

Rohit Panghal

....COMPLAINANT(S)

VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)

9. COMPLAINT NO. 2444 OF 2019

Neeraj Thakur

....COMPLAINANT(S)

VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)



10.COMPLAINT NO. 2446 OF 2019

Subhash and Manisha

....COMPLAINANT(S)

VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)

11.COMPLAINT NO. 2460 OF 2019

Rajeev Kumar

....COMPLAINANT(S)

VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)

12.COMPLAINT NO. 2462 OF 2019

Anil Singh Bisht

....COMPLAINANT(S)

VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)

13.COMPLAINT NO. 2463 OF 2019

Nidhi Garg

....COMPLAINANT(S)

VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)

14.COMPLAINT NO. 2465 OF 2019

Suhagni Bhat and Ranjan Bhat

....COMPLAINANT(S)

VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)

15.COMPLAINT NO. 2466 OF 2019

Sunil Dudeja and Raj Rani

....COMPLAINANT(S)



VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)

16.COMPLAINT NO. 2470 OF 2019

Purnima Jain

....COMPLAINANT(S)

VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)

17.COMPLAINT NO. 2471 OF 2019

Neeraj Virmani

....COMPLAINANT(S)

VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)

18.COMPLAINT NO. 3046 OF 2019

Kanwar Singh

....COMPLAINANT(S)

VERSUS

Hightech Construction Co. Pvt. Ltd.

....RESPONDENT(S)

CORAM:

Rajan Gupta
Dilbag Singh Sihag

Chairman
Member

Date of Hearing: 02.08.2022

Hearing: 7th

Present through video conference: -

Mr. Yogesh Kumar Goyal,
Ld. Counsel for the complainants
(in all complaints except complaint
nos. 2427, 3046/2019)

None for complainant (in
complaint no. 2427/2019)



Sh. Kanwar Singh, complainant(in
complaint no. 3046/19)

None for respondents in all
complaints.

ORDER (DILBAG SINGH SIHAG- MEMBER)

1. All the captioned complaints were taken up together for hearing as grievances involved therein are identical and pertain to same project of the respondent. Therefore, complaint no. 2418 of 2019 titled as Rajesh versus Hightech Construction Co. Pvt. Ltd. has taken as a lead case.
2. While initiating his pleadings learned counsel for the complainant referred to last order dated 06.05.2022. Relevant portion of the said order requires to reproduce below for comprehension of the matter:

“ 2. Complainant's case is that he had booked a residential flat in the project of respondent situated at Faridabad in the year 2015. Total sale consideration of said flat was Rs 19,01,720/- against which complainant has paid a sum of Rs 4,93,379/-. Complainant was allotted flat bearing no. 208 in tower A-1 of the project. Builder buyer Agreement was executed between the parties on 12.09.2015 and as per clause 3.6 of said agreement possession of the flat should have been delivered by 11.09.2019. However it has been more than two years since due date delay but respondent has failed to deliver possession of booked unit till date. Feeling aggrieved, complainant has filed present complaint seeking refund of paid amount alongwith applicable interest.

Learned counsel for complainant submitted that at present tower A1 has not yet been started. The project is far from completion. Complainant who has already waited for long is not interested to wait any further for taking possession of unit.

Therefore, his request may be accepted and relief of refund may be allowed in his favour."

In addition to earlier facts, he also referred to additional documents submitted by him on 27.07.2022 in the registry of the Authority, whereby complainants had submitted copy of original approved map and revised approved map of the project in question. As per said documents, area of the booked flat stands increased from 572.56 sq.ft to 756.25 sq.ft. apart from his booking of 2bhk flat. Whereas, as per revised plan, respondent is constructing only 3 BHK flats with a size of 765.25 sq.ft. So, complainants stand is that with the change in size and nature of the flat, they are no more in capacity to accept 3BHK flat with their given finance. Therefore, complainant has sought relief of refund of paid amounts along with permissible interest.

3. On the other hand, none appeared for the respondent.
4. After hearing arguments of learned counsel for the complainant and going through available records, it is observed that earlier view expressed by Authority was that as per registration certificate granted to the respondent, completion date of the project in question was December 2021, which was just lapsed. Further extension with additional time period of 9 months to all the projects on account of COVID situation was also given. So, it could be concluded that completion date of the project is yet to arrive. Therefore, Authority prima facie was of the view was that neither refund of paid amounts



in above captioned cases is admissible nor relief of possession along with delay interest could be granted at this stage as complaints were premature and respondents still have time for offering possession to the complainants after obtaining occupation certificate.

However, today, learned counsel for the complainant brought new facts on record. To prove his case fit for refund, he argued that respondent has changed the building plans without their consent of the allottees. He further stated that as per BBA executed between parties on 12.09.2015, complainant had booked a residential flat admeasuring 572.56 sq.ft for total sale consideration of said flat was Rs 19,01,720/- against which he had paid a sum of Rs 4,93,379/-. Now, as per revised building plans issued by the concerned department on 12.09.2019, area of the booked flat stands increased from 572.56 sq.ft to 756.25 sq.ft. So, complainant does not wish to invest in the project as they cannot afford new sale price of the flat.

As none appeared for the respondent, Authority observes that respondent has not been putting his appearance since last two dates, though reply has already been filed by them. Considering reply filed by the respondent and taking additional facts submitted by the complainants into consideration, Authority now prima facie is of the view that captioned cases are fit for refund due to two fold reasons. Firstly, as per revised plans, area of booked flat stands

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increased by almost 40 % by the respondent, which means total sale consideration of the booked flats will increase and the same may be beyond complainants capacity as he averred. On bare perusal of captioned files, it is observed that all the complainant had paid only 30 % of the total sale consideration. So, at this stage, complainant cannot be forced to accept increased area with an increased price. Secondly, as per statement given by the complainant's counsel, complaints are not in capacity to invest anymore in this project. Therefore, all complainants deserves to considered for refund as per provisions of Rule 15 of HRERA Act 2017. So, in these cases relief of refund is admissible. However, none appeared for respondent, therefore, Cases are adjourned to 16.08.2022 granting last opportunity to the respondent to rebut these contentions if he desires so failing which tentative view expressed above will attain finality. Accordingly, captioned complaints will be disposed of on the next date of hearing.



RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SHAG
[MEMBER]