



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)

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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)

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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: 06.05.2022

Hearing: 6th

Present through video conference: -

Mr. Yogesh Kumar Goyal,
Ld. Counsel for the complainants
in all complaints.

None for respondents in all
complaints.



ORDER (RAJAN GUPTA - CHAIRMAN)

1. All the captioned complaints were taken up together for hearing as the grievances involved therein are common and pertaining to the same project of the respondent. Complaint no. 2418 of 2019 titled as Rajesh versus Hightech Construction Co. Pvt. Ltd. has taken as a lead case.

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.

3. On the other hand, respondent/promoter in their reply have rebutted the averments made by complainant. Respondent states that present complaint is not maintainable for non- joinder of necessary party. As the project in question was developed by M/S SRS retreat services under Affordable Housing policy in year 2013, but license of the project was transferred in name of respondent on 23.01.2018. Further all bookings, allotments and deposit of amounts had been mutually settled and agreed between the complainants and M/S SRS Retreat Services, and answering respondent is not signatory to either of the documents which are being relied upon by complainants.

Secondly, respondents states that as per documents relied upon by complainant builders buyer agreement was signed on 12.09.2015 and deemed date of possession was shown as 11.09.2019, whereas Clause 3.6 of the agreement states that project shall be completed within four years from approval of building plans or grant of environmental clearance whichever is later. Hence, complainant has wrongly mentioned the due date of possession. Accordingly respondent argues that captioned complaints deserve to be returned, being premature at this stage.

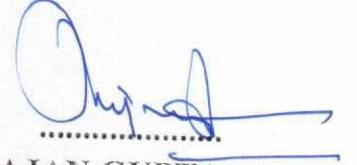
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4. During hearing, learned counsel for complainant reiterated the facts mentioned in Para 2 of this order. On the other hand none appeared for the respondent.

5. Authority has gone through relevant documents. After due consideration observes and orders as follows:-

- I. Firstly, complainant has sought relief of refund in the captioned matters but respondent is willing to offer possession to the complainants as project in question is an on-going project. Said project is registered with the Authority and the date completion has been shown as 31.12.2021. Authority is prima facie of the view that as per registration certificate granted to respondent, completion date was December 2021, which had just lapsed. it also includes period of Covid-19 pandemic.in all such matter extension additional time period of 9 months to all the projects on account of COVID situation. So, it can be concluded that completion date of the project is yet to arrive. Therefore, Authority prima facie is of the view that these cases are not fit for refund at this stage. Authority is of view that relief of possession along with delay interest is not permissible at this stage as complaints are premature and respondents still have time for offering possession to the complainants after obtaining occupation certificate.

6. Today none appeared for the respondents, therefore, cases are adjourned to
02.08.2022 for final arguments.



RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SIHAG
[MEMBER]

