



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2720 OF 2019

Manish and Namita Singh

....COMPLAINANTS

VERSUS

Alpha Corp Development Pvt. Ltd.

....RESPONDENT

CORAM: Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag

Chairman
Member
Member

Date of Hearing: 19.01.2021

Hearing: 6th

Present: - Smt. Namita, Complainants in person through VC.
Sh. Harsh Bunker, Counsel for respondent through VC.

ORDER (RAJAN GUPTA-CHAIRMAN)

1. In compliance of order dated 08.12.2020, respondent has filed his reply to the amended complaint.

2. The case of complainant is that, complainant booked a plot in respondent/promoter project on 05.05.2012 by paying a booking amount of Rs. 6,75,000/-. Builder Buyer Agreement was executed on 10.05.2012 and as per clause 10.1 of this agreement the development work was to be completed in 28 months plus time to procure government approvals. Further, the possession was to be given within 40 months from the date of first payment. Out of total sale consideration of Rs. 50,12,500/-, complaint has paid Rs.40,50,000/-. Possession was offered to the complainant on 29.11.2018. However, due to delay caused in handing over possession, complainant denied the offer and requested for a refund from respondent.

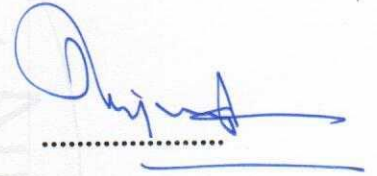
The complainant has now filed the present complaint seeking interest under Rule 15 of RERA rules, for delay in handing over possession. Calculation sheet has been filed with the complaint calculating the interest on delay possession @ SBI MCLR rate + 2%.

3. The contention of respondent is that, all the development activities qua the said plot stands completed and no further development activity remains to be done. Further, complaint is not maintainable before the Authority in view of clause 25 of the Plot Buyer's Agreement which provides for resolution of dispute through arbitrator. Moreover, part completion was applied on 24.01.2014 and same was granted by the Competent Authority on 19.04.2018 and in pursuance to that possession was offered on 29.11.2018 along with demand as balance payment. Since possession of plot was to be offered upon

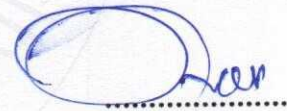


grant of necessary statutory approvals, which in this case was granted on 19.04.2018 and thereafter plot was offered for possession on 29.11.2018, therefore, there was no delay in offering possession and thus, complainants are not entitled to interest. Further, the complainants who are mere investors in the project have delayed in making balance payment and do not intend to get the sale deed executed due to slump in real estate market, therefore, the present complaint is liable to be dismissed.

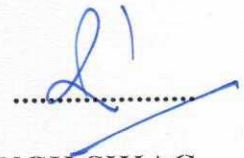
4. Learned counsel for respondent requested for an adjournment to appear physically for arguments before the Authority. Accepting his request the case is adjourned to 18.02.2021 for arguments.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]