



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

## COMPLAINT NO. 2777 OF 2022

Ashwani Kumar Billa HUF

....COMPLAINANT

Versus

TDI Infrastructure Limited

....RESPONDENT

**CORAM: Dr. Geeta Rathee Singh**

**Member**

**Chander Shekhar**

**Member**

**Date of Hearing:** 04.06.2024

**Hearing:** 6<sup>th</sup>

**Present:** Mr.Ojas Singh Sachdeva and Mr. Gaurav Mehta, ld. counsels for the complainant-HUF.

Mr. Shubhnit Hans, ld. counsel for the respondent.

### ORDER

1. Perusal of case file reveals that the vide order dated 05.03.2024, complainant was directed to submit a valid proof of HUF.
2. Today, Mr.Ojas Singh Sachdeva and Mr. Gaurav Mehta, ld. counsels for the complainant-HUF present before the Authority stated that they have already annexed a pan card in name of Ashwani Kumar Billa HUF as a valid proof of HUF as Annexure A-1 of complaint.

3. Further, Mr.Ojas Singh Sachdeva, ld. counsel for the complainant stated that present complaint has been filed for the relief of refund of paid up amount along with interest. He argued that complainant booked a shop no. 56, second floor, measuring 268.00 sq. ft. in the project namely Rodeo Drive, TDI City, Kundli, Sonipat, Haryana by paying a booking amount of Rs.3,20,000/- on 18.12.2006. Total sale consideration of shop was Rs. 16,00,000/- against which complainant has already paid Rs. 12,80,000/- which is 80% of the total consideration.
4. He stated that advance registration form was executed by complainant on 18.12.2006 for the above- mentioned project after paying the booking amount to respondent, however, no builder buyer agreement was executed between the parties till date and despite expiry of 24 months from date of signing advance registration form, respondent has failed to complete the said project in time. Thereafter, when complainant visited the respondent's project site in year 2012 complainant was shocked to see that the work had not even commenced till now, therefore, complainant visited the office of the respondent company and asked for status of construction of project but not get any satisfactory response, feeling aggrieved complainant asked the respondent company's officials for cancellation of booking and refund of his paid up amount of Rs. 12,80,000/-.

  
Ramesh

5. Thereafter, respondent sent a malafide letter to complainant for offer of possession on 25.03.2019 and that too without receiving occupation certificate and same was not accepted by the complainant as the said unit was offered with inordinate delay of 13 years from the date of booking and thus complainant is now before the Authority for relief of refund of paid up amount along with interest.
6. Per contra, Mr. Shubhnit Hans, ld. counsel for the respondent stated that the construction of the project is complete and occupation certificate has already been received on 12.06.2019 which is annexed as Annexure R-6 with reply. Rebutting the same, ld. counsel for the complainant-HUF stated that occupation certificate annexed with reply is with respect to ground floor and first floor of commercial units of project, however, the shop in question is on 2<sup>nd</sup> floor, thus, respondent has not received occupation certificate with respect to unit of the complainant.
7. Today arguments of both the parties are heard at length. After hearing both the parties, Authority reserves the orders for pronouncement.
8. Case is adjourned to **06.08. 2024** for pronouncement of orders.

  
.....  
**CHANDER SHEKHAR**  
[MEMBER]

  
.....  
**Dr. GEETA RATHEE SINGH**  
[MEMBER]