



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 3102 OF 2022

Anand Kumar Maheshwari

...COMPLAINANT

VERSUS

Aarcity Builders Pvt Ltd.

....RESPONDENT

2. COMPLAINT NO. 3103 OF 2022

Anand Kumar Maheshwari

...COMPLAINANT

VERSUS

Aarcity Builders Pvt Ltd.

....RESPONDENT

CORAM:

Dr. Geeta Rathee Singh

Member

Nadim Akhtar

Member

Date of Hearing:

07.02.2023

Hearing:

1st

Present: -

Mr. Anurag Jain , Counsel for the complainant
(in both complaints), through VC
Mr. Isha Janjua, Counsel for the respondent
Through VC

Dr. Rathee

ORDER (DR. GEETA RATHEE SINGH-MEMBER)

1. As per office record, notice dated 23.11.2022 sent to respondent for filing was received back for want of correct address.
2. Ms. Isha Janjua, learned counsel appearing in some other matter before Authority has accepted notice in above complaints and requested for a copy of complaint in each case. Mr. Anurag Jain, learned counsel for the complainant submitted that both the captioned complaints pertain to same project of the respondent namely 'Regency park', sector -11 A & 17, Hisar and facts and grievances involved including the complainant is same. Taking complaint no. 3102 of 2022 as lead case, it is submitted that complainant had booked a flat bearing no. D-0503, Tower-D in the project in question in the year 2011. A flat buyer agreement dated 16.08.2012 was executed between both parties. As per clause 18, possession of the flat was to be delivered by 16.04.2016. The total sale consideration of the said unit was ₹ 43,04,438/- against which the complainant has paid an amount of ₹ 31,06,971/-. However, despite taking more than 75 per cent of the total sale consideration respondent failed to develop the project and deliver possession of booked unit on time. Vide letter dated 22.08.2022, respondent issued letter for fit out possession. However, immediately after that respondent vide letter dated 05.09.2022 issued legal demand cum cancellation notice through a lawyer wherein it has been mentioned that

Dr. Geeta Rathee

the complainant is liable to pay a total amount of ₹ 10,93,589/- by 20.09.2022 failing which they shall proceed towards cancellation of the flat in question. Complainant has given a written request to the respondent to the effect that he is ready to pay the balance sale consideration subject to the condition that complainant be entitled to receive interest on delayed possession and after adjustment of account, any amount which the complainant is liable to pay he shall pay the same. Respondent on receipt of the letter issued oral threat to complainant to make payment of balance demand failing which the allotment will be cancelled.

3. Learned counsel for the complainant further submitted that the complainant is interested in seeking possession of the booked unit. However, the respondent is unlawfully trying to cancel the allotment of the unit in favour of the complainant. He requested that respondent be restrained from cancelling the allotment of the unit in question in both the complaints till adjudication of present complaint.

4. In view of the submission of the learned counsel for the complainant, it is observed that complainant has filed present complaints seeking possession of the booked unit along with interest on account of delay caused in delivery of possession. Complainant has paid an amount of ₹ 31,06,971/- against total sale consideration of ₹ 43,04,438/- whereas the respondent has issued a legal demand cum cancellation notice towards the

allotment in favour of the complainant. Authority in order to avoid further complications decides to direct the respondent to maintain status quo about the possession and title of flat no. D-0503, Tower-D in Complaint no. 3102 of 2022 and flat no. D-0104, Tower D in Complaint no. 3103 of 2022 till further orders. Further, learned counsel is directed to collect copies of complaint from the office of the Authority and file reply within three weeks with advance copy supplied to the complainant in both complaints.

5. Cases are adjourned to 26.04.2023.


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NADIM AKHTAR
[MEMBER]


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DR. GEETA RATHEE SINGH
[MEMBER]