



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 3117 OF 2019

Sunita Santhosham

....COMPLAINANT

VERSUS

Avalon Projects & Anr.

....RESPONDENTS

CORAM: Nadim Akhtar
Dr. Geeta Rathee Singh
Chander Shekhar

Member
Member
Member

Date of Hearing: 19.12.2023

Hearing: 9th

Present: - Sh. Anuj Chauhan Advocate, counsel for the complainant through VC
Sh. Hemant Saini Advocate, counsel for the respondents

ORDER (NADIM AKHTAR - MEMBER)

1. As per last order dated 08.11.2023, defence of respondent to file reply was struck off. Further complainant was directed to file an affidavit stating therein the exact amounts and dates on which the said amounts were paid by the complainant to the respondent, which should be duly supported by bank statement.
2. Sh. Anuj Chauhan, counsel for complainant stated that complainant is not interested in taking possession without Occupation Certificate. Since, an inordinate delay of six years has already been occurred in handing over the possession, complainant pressed for relief of refund of paid amount along with interest as per Rule 15 of HRERA Rules, 2017. Further, he stated that with regard to directions issued in last order dated 08.11.2023 for filing affidavit stating paid amounts along with dates on which the said amounts were paid, duly supported by bank statement, in compliance to the same, complainant has sent his affidavit via post.
3. Today, Sh. Hemant Saini, counsel for respondents made statement during hearing that project in question stands complete in all respects although Occupation Certificate for the same is yet to be received as there are certain finishing works pending, thereafter, respondent will get the Occupation Certificate from competent Authority. Further he submitted that if prayer of complainant seeking refund will be allowed at this stage, it will hamper the whole project, so in interest of hundreds of other



allottees, refund may not be allowed as respondent is already facing financial hardship and is not in a position to refund the paid money. Respondent stated that they are ready to give possession of the unit in question to complainant as unit is complete in all respect, the only issue is that Occupation Certificate of the project is not with the respondent as on date. Lastly, counsel for respondent also stated that he is also trying to settle the matter between parties in the interest of complainant as well as other allottees as project stands developed by respondent only technical issue with regard to Occupation Certificate is yet to be obtained.

4. Perusal of record, shows that a document has been filed by complainant on 18.12.2023, that is one day prior to the hearing due to which said document was neither placed on file nor was it perused by the Authority. Advance copy of the same was also not supplied to the respondent. Complainant is directed to supply the copy of the documents to respondents.
5. Respondents are directed to pay earlier imposed cost of ₹ 10,000/- payable to Authority and ₹ 2000/- payable to complainant well before next date of hearing. Parties are at liberty to explore options for settlement, if they desire so.



6. Case is adjourned to **08.02.2024** for final arguments.


.....
CHANDER SHEKHAR
[MEMBER]


.....
DR. GEETA RATHEE SINGH
[MEMBER]


.....
NADIM AKHTAR
[MEMBER]