



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: Dr. Geeta Rathee Singh

Member

Chander Shekhar

Member

Date of Hearing: 30.04.2024

Hearing: 11th

Present: - Adv. Udit Mehendiratta, counsel for complainant accompanied by Complainant in person.
None for respondent.

ORDER

1. The captioned complaint was listed for 16.04.2024, however due to absence of quorum, case was re-listed for 13.08.2024.
2. Dis-satisfied by postponement, complainant prayed for preponement in his complaint by filing an application on 15.04.2024, wherein she prayed

Geeta Rathee


that she is a senior citizen residing in Chennai, who came for attending the court hearing on 08.02.2024 as vide last order dated 19.12.2023, case was adjourned to 08.02.2024 for final arguments, however due to re-constitution of benches same was heard on 16.01.2024, of which she had no knowledge. Vide order dated 16.01.2024, case was adjourned to 16.04.2024 and she again came for attending the case on 16.04.2024, however then they heard through their lawyer that again the case got postponed to August 2024. Therefore, complainant requested the Authority to kindly list the matter for earliest date of hearing, preferably this week. Request was accepted and case was listed for today, i.e. on 30.04.2024.

3. As per last order dated 16.01.2024, following observations were made:
- i. Statement of account submitted by complainant is not signed and there is no proof of amount of Rs.41,657/-. Therefore, complainant was directed to sign the statement of account submitted in the Authority and file a proof of amount of Rs.41,657/-;
 - ii. Ld. Counsel for respondent submitted that respondent promoter is ready to offer possession of the allotted flats, though receipt of Occupation Certificate from the concerned authorities is still awaited. He averred that construction and development work is almost complete in Phase 2 of the said project, wherein they were required to install 10 lifts. Out of 10 lifts, 5 lifts have already been



installed and remaining 5 will be installed within a short period of time by managing funds accordingly.

- iii. Ld. counsel for respondent further submitted that the respondent is ready to pay whatever delay interest it is liable to pay, as per provisions of The Real Estate (Regulation and Development) Act, 2016 and rules or regulations framed thereunder for the delay caused in offering possession to the allottee.
4. Today, affidavit filed in compliance of order dated 16.01.2024 was taken on record. It was observed that proof of payment of Rs.41,657/- is there in last application filed on 12.12.2023 as it was missed due to a clerical error as actual amount i.e. Rs.2,41,657/- is already mentioned in last column of second page of said appendix and inadvertently, it was read as separate amount of Rs.41,657/-. Therefore, proof of payment of total amount of Rs. 59,52,089/- stands proved by receipts and affidavit filed thereby.
5. Case was heard at length and is adjourned to **30.07.2024** for pronouncement of final order.


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CHANDER SHEKHAR
[MEMBER]


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DR. GEETA RATHEE SINGH
[MEMBER]