



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 442 OF 2021

Pratibha

...COMPLAINANT

VERSUS

M/S Green Space Infraheights Pvt. Ltd.

....RESPONDENT

**CORAM: Nadim Akhtar
Chander Shekhar**

**Member
Member**

Date of Hearing: 29.04.2024

Hearing: 18th

Present: - Mr.Vivek Aggarwal, counsel for the complainant through VC.

Ms. Meenakshi Jyoti, counsel for the respondent through VC.

ORDER (NADIM AKHTAR- MEMBER)

1. As per order dated 29.01.2024, complainant and respondent were directed to place on record copy of the order of Hon'ble Appellate Tribunal dated 24.08.2023.

2. In compliance to order dated 29.01.2024, respondent had placed on record copy of order of Hon'ble Tribunal vide application dated 15.03.2024. Relevant para for reference:

"7. We, thus, find no ground to exonerate the complainant for non-compliance of the order of the Authority. However, taking into account the fact that the amount payable of the appellant-promoter was Rs.4,61,633/- only whereas the penalty imposed by the Authority is on the higher side, same needs to be reduced in proportionate to the default of the appellant-promoter.

8. We, accordingly, direct that the penalty imposed under Section 63 of the Act would be Rs.7,500/- for each day from 20.12.2022 onwards instead of Rs.25,000/- till 10.01.2023 i.e. total of Rs. 1, 57,500/-.

9. No other point was argued before us.

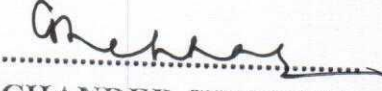
10. The appeal is, thus, partly allowed and the impugned order is modified in the aforesaid terms.

11. No order as to costs.

12. The appellant-promoter has deposited an amount of Rs.6,19,133/- (Rs.1,57,500 as 30% of the penalty and Rs.4,61,633/ payable to the respondent-allottee) due at the time of filing of the appeal as pre-deposit in terms of proviso to Section 43(5) of the Act. The amount of Rs.6,19,133/- along with interest accrued thereon be remitted to the authority. The penalty as per the aforesaid order may be deposited in State Government's account as per section 76 of the Act. The balance amount may be remitted to the allottee, subject to tax liability, according to law."



3. Complainant had given account details along with Tribunal order vide application dated 13.03.2024. To comply with the orders of Hon'ble Appellate Tribunal, Authority directs the office to disburse the amount of ₹4,61,633/- from the period 10.06.2019 till 11.07.2022 along with interest to the complainant, as per bank account details provided by the complainant
4. Further, penalty imposed under Section 63 of the Act by the Authority has been reduced by the Hon'ble Tribunal from ₹25000/- to ₹7,500/- for each day from 20.12.2023 onwards till 10.01.2023, i.e, ₹1,57,500/-. The penalty as per the aforesaid order of Hon'ble Appellate Tribunal may be deposited in State Government's account as per section 76 of the Act.
5. It is observed by the Authority that during the course of hearing matter was disposed off. However, case has not been argued till date before the present Authority, therefore one opportunity is given to the parties to argue the case. Parties are also directed to submit written submissions, if they wishes to do so, with an advance copy supplied to the opposite party atleast 15 days, before the next date of hearing.
6. Case is adjourned to 05.08.2024 for final arguments.


CHANDER SHEKHAR
[MEMBER]


NADIM AKHTAR
[MEMBER]