



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 569 OF 2022

Dinesh Aneja

....COMPLAINANT

VERSUS

M/s Ansal Properties and Infrastructure Ltd.

....RESPONDENT

CORAM: Rajan Gupta
Dilbag Singh Sihag

Chairman
Member

Date of Hearing: 04.08.2022

Hearing: 2nd

Present: - Sh. Neeraj Goel, learned counsel for the complainant
Sh. Aditya Pratap Singh, learned counsel for the respondent through
video call

ORDER (DILBAG SINGH SIHAG- MEMBER)

1. While initiating his pleadings, learned counsel for the complainant submitted that complainant had purchased a plot bearing no. B-0004, admeasuring 2351.29 sq.ft in respondent's project "Havanna Heights Apartments", Sonapat in the year of 2016. Builder buyer agreement was executed between parties on 07.10.2016. However, no date for delivery of possession was mentioned in said agreement but as per law under RERA Act three years from date of signing of agreement could be taken as reasonable time for delivery of possession. Accordingly, deemed date of possession comes to 08.10.2019. Total sale consideration of the flat was Rs. 10,00,000/- and complainant had paid full consideration to respondent in the year 2016 itself. In support of the amount paid, annexure C-2 has been attached, whereby receiving an amount of Rs. 10,00,000/- from complainant is mentioned in builder buyer agreement executed between parties. Complainant alleged that after receiving full payment for booked plot, respondent had stopped responding to him. Almost six years have gone by from booking and having no reply from respondent with regard to handing over of possession, complainant approached this court seeking relief of lawful possession of the booked plot along with permissible delay interest till actual handing over of possession.

2. On the other hand, respondent in their reply have raised mostly technical objections like complaint is not maintainable; RERA Act cannot be

implemented with retrospective effect; Authority does not have jurisdiction to hear the complaint; complaint has not been filed on proper format etc. Further in para-9 of the reply submitted by the respondents, he stated that construction work was carried out till 8th floor but same has been stopped from past 4 years due to unavoidable circumstances and reasons beyond the control of respondent. Now, respondent has abandoned the construction of tower wherein complainant plot is situated.

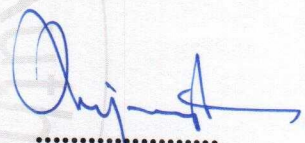
3. Sh. Neeraj Goel, learned counsel for complainant reiterated the facts mentioned in para 1 of this order and submitted that complainant do not wish to withdraw from the project and is seeking possession under Section 18 of HRERA Act, 2016. Further he submitted that complainant is also ready to accept alternative unit which is ready for possession in other nearby projects of the respondent-promoter. On the other hand, respondent counsel Sh. Aditya Pratap, had made a statement during course of hearing that respondent is not in a position to complete the project as construction is stopped, So, possession to complainant cannot be delivered. Further, with regard to offer for alternative unit respondent counsel seeks time to take instructions from his client.

4. After hearing both the parties and going through the documents placed on record, Authority observes that complainant has sought relief of possession of allotted plot along with interest on account of delay by the respondent to deliver possession on the agreed date. ~~The~~ Complainant is not interested in withdrawing from the project, despite delay on the part of the respondent in completing the

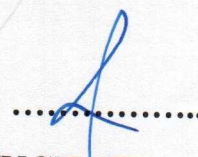


project. Therefore, Authority tentatively is of the view that relief which at present can be awarded to the complainant is to direct the promoter to pay upfront interest for delay along with payment of every monthly delay interest till the handing over of possession as provided in Section 18 of RERA Act, 2016. However, Authority grants one opportunity to the respondent to seek instructions with regard to alternative unit if any to be offered to the complainant.

5. Case is adjourned to **12.10.2022** with these directions. Complainant is also directed to visit the site to check current status of the project and may file their suggestions for alternative units on the next date of hearing.



RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SIHAG
[MEMBER]