



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 759 OF 2022

Rashmi Jain

....COMPLAINANT

VERSUS

TDI Infrastructure Ltd.

....RESPONDENT

CORAM: Dr. Geeta Rathee Singh

Member

Nadim Akhtar

Member

Date of Hearing: 17.05.2023

Hearing: 5th

Present: - Mr. Vikas Deep, Counsel for complainant through VC.
Mr. Shubhnit Hans, Counsel for respondent

ORDER (DR. GEETA RATHEE SINGH-MEMBER)

1. Mr. Vikas Deep, learned counsel for the complainant submitted that residential flat had been booked in the project of the respondent namely 'TDI City' situated at Kundli, Sonapat in the year 2006 by original allottee Mr. L D Gupta upon payment of ₹ 3,00,000/- as the booking amount. As per advance registration form, further instalment was only

payable after an allotment has been made in the name of the complainant. Original allottee further paid an amount of ₹ 2,50,000/- on 15.11.2006. An allotment letter was issued to the original allottee on 18.10.2011 whereby a flat no. U3-0401, admeasuring 1110 sq. ft was allotted in favour of the original allottee . Copy of allotment letter is annexed as Annexure C-2. In August 2011, complainant had purchased the rights in respect of the booking from the original allottee. However, the respondent refused to entertain the transfer documents until further payments were made. Complainant made the further payments of 9,72,420/- under various heads as asked by the respondent and only thereafter booking rights were transferred and endorsed in favour of complainant by the respondent. On 25.07.2013, respondent offered the possession of flat to complainant subject to final demand of ₹ 6,05,284/- towards balance consideration, ₹ 50,000/- towards club membership charges, ₹ 66,900/- towards stamp duty and ₹ 6,094/- as advance maintenance charges. Vide said letter that the respondent informed that area of flat has been increased from 1062.52 sq.ft to 1205 sq.ft without giving any details. Copy of letter of offer of possession and statement of account are annexed as Annexure C-4 and C-5. After receiving further payments respondent handed over keys of flat and possession letter on 12.10.2013. Copy of possession certificate annexed as Annexure C-6. After taking possession, complainant got the

flat measured from an architect which revealed that the area of the unit has rather reduced from 1062.50 sq. ft to 1051.877 sq. ft. On 14.10.2013 complainant served letter to respondent for refund of illegally demanded excess EDC amount, vehicle parking, club membership, electric and fire fighting charges, misc. charges and excess area charges annexed as Annexure C-7. However, respondent failed to respond to the same. Thereafter, respondent vide letter dated 25.03.2019 asked the complainant for registration of title deed. However, the respondent failed to apprise the complainant with regard to status of occupation certificate. Therefore, complainant has filed present complaint seeking refund of the excess amount charged by the respondent on various accounts as mentioned in the complaint, interest towards delayed allotment and to get the sale deed registered.

2. Mr. Shubhnit Hans, learned counsel for the respondent submitted that respondent company has received occupation certificate for project 'Kingsbury flats' at TDI city, Sonapat, Haryana in the year 25.05.2012. Complainant has already taken possession of the flat on 12.10.2013 and has been enjoying the possession since then. All the charges which have been challenged by the complainant have been charged in accordance with the terms agreed between the parties. Complainant has merely submitted that the area of the flat has been reduced from 1062.50 sq. ft to 1051.877 sq. ft without providing any documentary

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evidence for the same. Respondent has already issued an letter for registration of conveyance deed to the complainant in the year 2019. However, it is the complainant who has failed to respond to the letter and has rather filed frivolous complaint before the Authority. With regard to the decrease in area , learned counsel for the respondent submitted that a joint inspection may be conducted by both parties along with a professional to determine the final area of the flat in question.

3. In view of submissions of both parties, it is observed that the grouse of the complainant is two folds: first related to the issue concerning the final area of the flat booked by the complainant and second, grievance is regarding the illegal demands charged by the respondent. For the issue with regard to the final area of the flat both parties are directed to conduct a joint inspection of the flat on 15.06.2023. Complainant is at liberty to bring along with a professional for the purpose of measurement of the flat. A report in this regard shall be filed in the office before the next date of hearing. With regards to the conflict on account of the demands raised by respondent, complainant is directed to file calculations of the amount allegedly charged by the respondent in excess along with demand letters issued by the respondent and the terms and conditions of allotment agreed between the parties according to which the demands should have been raised. These documents

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should be filed at least three weeks before the next date of hearing with advance copy supplied to the respondent. Respondent is at liberty to file objections, if any, to the calculations filed by complainant with advance copy supplied to complainant before the next date of hearing.

No further opportunity will be granted to either of the parties.

4. Case is adjourned to **10.08.2023**.



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NADIM AKHTAR
[MEMBER]



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DR. GEETA RATHEE SINGH
[MEMBER]