



Complaint no. 872 of 2022

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 872 OF 2022

Lovleen

....COMPLAINANT(S)

VERSUS

Haryana Shehri Vikas Pradhikaran

....RESPONDENT(S)

CORAM:	Dr. Geeta Rathee Singh	Member
	Nadim Akhtar	Member
	Dilbag Singh Sihag	Member

Date of Hearing: 12.10.2022

Hearing: 3rd

Present:- Mr.Ranjan Arora, Learned counsel for the complainant
None for the respondent

ORDER (DR. GEETA RATHEE SINGH - MEMBER)

This matter had come up for hearing on 07.09.2022, whereby a detailed order was passed by the Authority, recording facts of the case arguments by the parties. Aforementioned order is reproduced below for reference:-

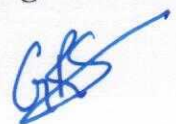
“1. While pursuing case file, it is observed that today is second hearing on this matter. No one appeared on behalf of the respondent nor reply has been filed. Respondent is granted last opportunity to file his reply.

2. On the other hand, Shri Ranjan Arora, learned counsel for the complainant submitted that complainant in this case was allotted a plot bearing no. 931 in a project of the respondent situated in Sector- 30, Pinjore. As per allotment letter, complainant was required to make payment of ₹ 50,71,500/- at the rate of ₹ 23,000/ sq. mtr. in six annual instalments. Complainant has already paid entire amount i.e ₹ 50,71,500/- to HSVP before expiry of period stipulated in allotment letter. So, respondent was duty bound to offer possession of said plot by 20.01.2018, after completion of development work. It is alleged by the complainant that respondent has failed to offer a valid offer of possession. Despite receiving entire amount towards total sale consideration, respondent has levied a penalty of Rs. 2,99,837/- on the complainant as possession interest. Complainant has already sent a legal notice dated 02.05.2022 to the respondent to recall & withdraw said penalties but not succeeded.



Therefore, complainant has filed present complaint seeking directions to the respondent to handover possession of booked plot apart from waiving off penalty charged towards possession interest.

3. Today, Adv. Ranjan Arora, learned counsel for the complainant has submitted that respondent has recently issued a show cause notice dated 13.06.2022 u/s 17(2) of HUDA Act 1977 imposing a penalty to the tune of ₹ 31,631/- without giving complainant any hearing. Complainant is under grave apprehension that respondent has begun proceedings u/s 17(3) & 17(4) HUDA Act for resumption of the plot allotted to complainant in absentia which will cause an irreparable loss to the complainant. Complainant has already paid entire sale consideration towards booked unit by the year 2019 i.e much prior to the prescribed date of payment. Respondent has retained huge amount of ₹ 50,71,500/- but has failed to deliver possession. Complainant has filed an urgent application dated 23.08.2022 seeking stay against resumption proceedings, if any, initiated by respondent. Learned counsel for the complainant referring to said application prayed the Authority that directions be issued to respondent to stay such proceedings and to



deliver the complainant possession of booked units.

4. *Factual position reveals that present complaint was filed in the registry of the office on 02.05.2022 and thereafter show cause notice was issued to complainant on 13.06.2022 imposing penalty upon complainant . At that time said matter was subjudice before this Authority, so the notice issued by respondent is stayed till further adjudication of dispute involved between the parties.*

5. *Case is adjourned to 12.10.2022.*

2. Today, Shri Ranjan Arora, learned counsel for the complainant submitted that complainant has already made the entire payment to the respondent towards the allotted plot. Despite receiving the entire amount respondent had later levied a penalty for an amount of ₹ 3,62,325/- on account of 'possession interest' without offering a legal and valid possession. Respondent had further issued a show cause notice dated 13.06.2022 u/s 17(2) of HUDA Act 1977 whereby complainant was given an impression that respondent has begun proceedings u/s 17(3) & 17(4) HUDA Act for resumption of the plot allotted to him, which would cause him an irreparable loss. Therefore, in order to safeguard his



allotment and prevent any adverse action, complainant made payment of an amount of ₹ 3,62,325/- to respondent on 14.09.2022.

3. Shri Ranjan Arora, argued that amount of ₹ 3,62,325/- has been wrongly charged by respondent as possession interest since respondent is yet to issue a valid offer of possession to the complainant. Hence possession interest cannot be legally charged from him. Learned counsel, therefore, requested the Authority that directions be issued to respondent to refund the amount of ₹ 3,62,325/- paid by complainant. He drew attention of the Authority towards para 4 of the order dated 07.09.2022 and submitted that after this Court had stayed any proceedings, respondent HSVP could not have charged such a huge amount. Complainant was under grave impression that if he did not pay the amount of ₹ 3,62,325/- he will lose his plot as well as the entire paid amount towards said plot and therefore he made said payment.

4. Today is the third hearing in the matter and no one appeared on behalf of the respondent nor reply has been filed.

5. Arguments put forth by learned counsel for complainant have been heard. Respondent is granted last opportunity to appear before Authority and file reply, failing which its defence shall be struck off on next date of hearing and thereafter matter will be decided on merits.



6. Case is adjourned to 14.12.2022



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



.....
NADIM AKHTAR
[MEMBER]



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DILBAG SINGH SIHAG
[MEMBER]

