



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: [www.haryanarera.gov.in](http://www.haryanarera.gov.in)

### COMPLAINT NO. 1265 OF 2020

Kusum Lata

....COMPLAINANT(S)

VERSUS

Parsvnath Developers Ltd.

....RESPONDENT(S)

**CORAM:**

**Rajan Gupta  
Anil Kumar Panwar  
Dilbag Singh Sihag**

**Chairman  
Member  
Member**

**Date of Hearing:** 17.08.2021

**Hearing:**

4<sup>th</sup>

**Present: -**

Mr. Sushil Malhotra, learned counsel for the complainant through video conference

Ms. Rupali S. Verma, learned counsel for the respondent through video conference

### **ORDER (RAJAN GUPTA - CHAIRMAN)**

1. Present complaint has been filed seeking redressal of grievances relating to possession of plot offered to the complainant by the respondent in its project named 'Parsvnath City, Rohtak'. It has been brought to the notice

of the Authority by learned counsel for the complainant that earlier complaint case no. 919 of 2018 titled Smt Kusum Lata versus Parsvnath Developers Ltd. was filed against the respondent seeking refund of the amount deposited by her for plot booked in respondent's project which was disposed of by this Authority on 19.12.2018. The operative part of said order is reproduced below:

“5. In brief the Authority directed respondent to hand over possession of plot by 30.04.2019, failing which he shall refund already paid amount to the complainant along with interest at the rate prescribed under Rule 15 of the HRERA Rules 2017 within 60 days in two instalments of which first instalment shall be payable within 30 days from the date of default in handing over possession and remaining amount within next 30 days, failing which he shall be liable to pay penal interest of 18 % on the outstanding amount.”

2. Now, complainant has filed fresh complaint stating that respondent on 30.06.2020 had offered the complainant possession of plot bearing no. B-039 in place of originally booked plot bearing no. B-004 along with statement of accounts making illegal demands. She prayed that said statement of accounts should be quashed. Learned counsel for the complainant argued that new plot offered is of reduced size by 19 sq. yards, therefore, respondent should be directed to return the excess amount on account of reduced area offered along with interest for delay in handing over the possession from deemed date of possession till actual date of possession i.e. July 2020. It has been further argued that respondent has failed to develop



basic amenities at site as promised by him. So he should be directed to develop the project as per required specifications.

3. On the other hand, apart from contentions already made and recorded in order dated 19.12.2018, respondent contended that the matter has already been decided by the Authority. Now the complainant has filed this complaint with malafide intention. It has been submitted that another complaint case bearing no. 920 of 2018 is pending before Hon'ble Adjudicating Officer seeking compensation. Therefore, present case may be dismissed and quashed instantaneously. Further, learned counsel for the respondent stated that basic infrastructure and internal development works have already been developed at site and project is fit for human habitation.

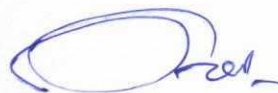
4. After hearing both the parties and going through documents on record, Authority had announced dismissal of the complaint and had directed the complainant to file execution of order dated 19.12.2018 passed in her favor. However, on reconsidering the matter, Authority observes that since offer of possession has been made by respondent in continuation of order dated 19.12.2018, present complaint can't be dismissed in interest of justice and will be treated as execution of its earlier order. Accordingly, arguments of both parties with regard to offer of possession made to the complainant will be heard on next date.



5. Adjourned to 19.10.2021.



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**RAJAN GUPTA**  
[CHAIRMAN]



.....  
**ANIL KUMAR PANWAR**  
[MEMBER]



.....  
**DILBAG SINGH SIHAG**  
[MEMBER]

