

**12.02.2021**

Dr. Manmohan A. Chandola , Complainant in person  
Shri Rishi Kaushal, Advocate for respondent Rajdeep &  
Co. Infrastructure Pvt. Ltd.  
Shri Mayank Manta, Assistant District Attorney for State  
of Himachal Pradesh/ RERA Himachal Pradesh.

**HEARING THROUGH WebEx.**

The matter was listed for hearing today before this Authority. The Complainant(s) and Ld. Counsel for respondent has brought to the notice of the Authority that both the parties have entered into a Memorandum of Understanding on 9<sup>th</sup> February, 2020 according to which the respondent has agreed to refund a total amount of Rs. Forty Two Lakhs, thirty one thousand, one hundred and six (Rs. 42,31,106/-) which includes the interest amount of Rs. Six lakhs, fifty five thousand, one hundred and seven (Rs. 6,55,107/-) The complainant vide e-mail dated 12<sup>th</sup> February, 2021 addressed to this Authority has intimated regarding the aforesaid MOU and has requested this Authority to decide the matter in view of the compromise arrived between the contesting parties. The contents of the mail are as under:-



“To

*Hon'ble Chairman*

RERA, Himachal Pradesh

Sir,

*First of all I am grateful to HP, RERA for facilitating this compromise between the two of us which was not happening, otherwise.*

*Looking to the difficult time posed by the present pandemic we have mutually agreed to settle this issue amicably by accepting the refund in installments over a period of 6 months by way of post-dated cheques as enumerated in the MOU attached to this mail.*

*Hereby I, request RERA to make this MOU between the 2 parties incorporated in your final order and allow us the liberty to approach RERA in case of non-fulfillment of the conditions with regards to honoring of the post-dated cheques.*

*I am sending an attachment a copy of the MOU and withdrawal of the complaint No. HIM/P/HPRERA/Complaint-1447, HPRERA/OFL/2020 -03 against M/s Rajdeep and Co.*

*Regards*

*Thanking you,*

*Yours truly,*

*(Dr M A Chandola)*

*Mob No. 90821453595.”*

This Authority after undergoing the contents of the memorandum of understanding dated 9<sup>th</sup> February, 2021, is fully satisfied that the present complaint has been agreed to be settled amicably between both the parties upon reaching to a compromise and the respondent(s) have agreed to refund the entire amount with interest. We have directed the Complainant to file an application before this Authority regarding the compromise in shape of memorandum of understanding so that the compromise decree can be passed



by this Authority. The said application has been filed before this Authority, which stands placed on record. As per the contents of the copy of the aforesaid MOU, it has been specified at page 1 at point no.3 &4, *“Considering the personal reasons of the Second party, the First Party agrees to refund the booking amount with Bank interest and without any deductions to the Second Party in the following manner as mutually agreed between the parties*

<i>Date</i>	<i>Mode of payment</i>	<i>Instrument No.</i>	<i>Amount</i>
09.02.2021	<i>Demand Draft</i>	<i>“730663”</i>	<i>Rs. 5,00,000/-</i>
21.03.2021	<i>PDC</i>	<i>“000134”</i>	<i>Rs. 6,21,851/-</i>
21.04.2021	<i>PDC</i>	<i>“000136”</i>	<i>Rs. 6,21,851/-</i>
21.05.2021	<i>PDC</i>	<i>“000137”</i>	<i>Rs. 6,21,851/-</i>
21.06.2021	<i>PDC</i>	<i>“000138”</i>	<i>Rs. 6,21,851/-</i>
21.07.2021	<i>PDC</i>	<i>“000139”</i>	<i>Rs. 6,21,851/-</i>
21.08.2021	<i>PDC</i>	<i>“000140”</i>	<i>Rs. 6,21,851/-</i>

4. *It is mutually agreed between the parties that the “ First Party” will refund a total amount of Rs. 42,31,106/- which includes the interest amount of Rs. 6,55,107/-”*



Therefore, in view of the compromise agreed upon between the contesting parties, this Authority is much pleased to dispose of the present complaint and the MOU executed between both the parties is hereby certified by this Authority through this order as compromise decree. This Authority highly appreciates and acknowledges that the contesting parties have settled the issue mutually and amicably. The matter is hereby disposed of. The order be uploaded at the official website of this Authority and a copy of the same be provided to both the parties accordingly through e-mail.

  
**B.C. Badalia**  
**MEMBER**

  
**Dr. Shrikant Baldi**  
**CHAIRPERSON**

  
**Rajeev Verma**  
**MEMBER**

