



Real Estate Regulatory Authority

Government of Himachal Pradesh

Complaint Application

Application No.

CTA0220230004

printed : 03-11-2024 01:00 PM

Complaint Details

Complaint Subject	interest for delay in possession and direction to deliver flat as specified in agreement
Facts of the complaint	<p style="text-align: center;"><u>Facts of the Case:</u></p> <p>Most respectfully showeth:</p> <ol style="list-style-type: none">1. That the complainant and respondent entered into an agreement for sale executed upon date 16th August of 2019 (annexure 1) for flat numbered PWD/JACARANDA-C/414 having super/carpet area 779/439 square feet on 4th floor in the group housing project known as Omaxe Parkwood-I situated at Baddi, Distt. Solan (H.P) (Registration no. RERAHPSOP9170007 (hereinafter referred to as The Unit) and an allotment letter have been provided for the same. (Annexure 2)2. That the total sale consideration decided for the unit was Rupees 10,75,957 only/- i.e. (Ten Lakh Seventy Five Thousand Nine Hundred Fifty Seven Only) excluding GST, which was to be paid according to the schedule agreed upon signified in Schedule C-1 and C-2 of the Sale agreements.3. That the complainant more than 95% of the demand payment lump sum i.e. 9,90,000/- (Nine Lakh Ninety Thousand Rupees) as per schedule and is ready and willing to pay rest of the amount. Statement of the same is provided. (Annexure 3)4. That the respondent was to hand over possession of the unit to complainant on or before 20/10/2020, unless there is a delay or failure due to war, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature affecting the regular development of the real estate project ("Force Majeure").5. That it has been almost 2.5 years at the time of filing this complaint there is update as to when the possession will be transferred.6. That the complainant would also like to bring in the notice that even after two years of agreement there was little to no progress on the project. Even at present the project remains in unfinished state. It seems like the respondent grabbed the money of complainant without being sure of the future of the project.7. That the time is essence of an agreement. The complainant has completely fulfilled his end of agreement by making timely payments, whereas respondent has failed to fulfill his duties and causing undue harassment and misleading complainant by making vain promises and denying compensation without any justifiable reason.8. That the complainant does not intend to withdraw from the project and hence comes under proviso of clause 9.2. (ii) Of agreement "<u>provided that where an Allottee does not intend to withdraw from the project or terminate the agreement, he shall be paid, by the promoter, interest at the rate prescribed in the Rules, for every month of the delay till the handing over the possession of the Unit, which shall be paid by the promoter to the allottee within Forty days of it becoming due</u>"9. That there has been inordinate delay in finishing the project and delivery of possession on part of respondent and then denying any interest for the violation has put the complainant in a hard position, financially and mentally.10. That recently the complainant visited the project and found out that there is leakage in various parts of the flat and the tiling in various parts of flat is uneven and not done in proper manner, the finished product is not up to the mark as promised in the agreement.11. That such actions of respondent act as a breach of duty and entitle complainant for the interest for delay in possession under Section 18 (1) of Real Estate (Regulation and Development) Act, 2016.12. That it would only be appropriate that complainant gets the rightfully reimbursed by way of interest for such violations and put in possession of the unit as soon as possible.

interest for such violations and put in possession of the unit as soon as possible.

Dated:

Submitted by

Through counsel

Complainant

Reeta

Advocate Nalagarh.

Verification

I, REETU W/O MUKESH KUMAR, the complainant do hereby verify that the contents of para to 12 are true and correct to my personal knowledge and belief and that I have not suppressed any material fact.

DATE:

PLACE:

COMPLAINANT

Reliefs Sought

1) interest for delay in possession 2) delivery of possession 3) fixing of issues mentioned in original complaint 4) cost of complaint any other relief that this Ld. authority deems fit in the light of justice equity and good conscience

Complainant Details

	Personal Info	Contact Details	Address	Notice Address
1.	REETU Father : Sh. REMESH KUMAR Type : Allottee	9816802098 mukeshsinglapp@gmail.com	plot no. 29, pooja printers himuda industrial area, batauli kalan baddi, Solan, Himachal Pradesh, 173205	plot no. 29, pooja printers himuda industrial area, batauli kalan baddi, Solan, Himachal Pradesh, 173205

Respondent Details

	Personal Info	Contact Details	Address
1.	OMAXE LIMITED Type : Project Category : Individual RERA Reg No : RERAHPSOP09170007	1141896680 customerrelations_chandigarh@omaxe.com	shop no. 19B firest floor omaxe celebration mall, sohna road, Gurgaon, Haryana, 122001

Documents

Documents relied upon by the complainant and referred to in the complaint

1.	complete complaint Reetu	 
----	--------------------------	---

Other Documents as annexed along with the complaint

 No Records to Display

Declaration

Jurisdiction of the Authority

I **REETU** declare that the subject matter of the claim falls within the jurisdiction of the authority.

Complaint not pending with any other Court

Whether this Complaint is pending with any other court, etc.? : **No**

I **REETU** declare that the matter regarding which this complaint has been made is not pending before any court of law or any other authority or an other tribunal(s).

Declaration and Verification

I **REETU**, D/O **Sh. RAMESH KUMAR** do hereby verify that the given details are true to my personal knowledge and belief and the i have not suppressed any material fact(s).

Place : **BADDI**

Date : **03/02/2023**

Registration Fee

Fee Amount

₹ 500

Payment Status :  **Payment Received**

Payment Mode : **Online**

Transaction No. : **HPR030220230002**

Transaction Date : **03/02/2023 07:50 PM**

Bank Details : **SBIN~303403743898**