



Real Estate Regulatory Authority

Government of Himachal Pradesh

Complaint Application

Application No.

CTA0720230002

printed : 09-05-2024 06:13 AM

Complaint Details

Complaint Subject	Complaint Regarding Refund of the amount paid for the allotted apartment in project Himachal One.
Facts of the complaint	<ol style="list-style-type: none">1. That Mr. Amit Rana s/o Sh. Ajmer Singh Rana r/o Flat no. 603, Group housing Society, Plot no. GH 3, Sector 23, Panchkula hereinafter referred to as complainant applied for apartment no 402 measuring 1575 sq. ft (super area) on 4th floor in tower no A-2 on 10.06.2016 in the group housing colony situated within revenue estate of village Malku Majra, pinjore Nalagarh NH 21A, Tehsil Nalagarh, Distt Solan (Himachal Pradesh) Promoted by Ms Ahlawat Developers and Promoters through its partner hereinafter referred to as respondents.2. That an Apartment Buyer agreement has been signed between the parties on 14.06.2016. Total consideration of the allotted unit as per this agreement was Rs.25,00,000/- plus service tax out of which Rs.3,96,168 had paid by the complainant towards the booking of the said apartment on 10.06.2016, which is duly admitted & acknowledged by the respondent under clause 1a of the said agreement. It also contained detailed terms and conditions including total consideration , down payment plan. A copy of the apartment buyer agreement is annexed herewith as Annexure C/I.3. That as per clause 14 of the agreement, the possession of the apartment was to be delivered by the respondent by 30.09.2016,after obtaining completion/occupancy certificate from the competent authority.4. That the complainant made payments of Rs.1,32,580/- on 18.07.2016 , Rs.1,32,180/- on 17.08.2016, Rs.3,34,800 on 20.09.2016, Rs.1,33,420/- on 15.10.2016 ,Rs. 1,35,300 on 15.11.2016 and Rs. 1,35,680/-on 15.12.2016 as confirmed by the respondent in the emails dated 07.10.2016, 18.12.2016 and 19.12.2016 in which payments are duly acknowledged by the respondent . Copies of the said emails are attached herewith as Annexure C/II (Colly). Further, the complainant also made payments of Rs. 1,35,760/- on 05.01.2017, Rs. 1,33,573/- on 14.02.2017 and Rs. 1,30,231/- on 24.04.2017 which are not acknowledged by the respondent via email but a complete summary of transactions along with statement of account reflecting the above said payments made in respondent & respondent son's account has been attached herewith as Annexure C/III (Colly). Thus, the complainant made total payment of Rs.17,99,692/-/- till date to the respondent.5. That after the receipts of payment, the respondent issued an allotment letter dated 09.05.2017 confirming the allotted unit in favour of the complainant. A copy of the said letter is annexed herewith as Annexure C/IV.6. That the complainant followed up for knowing the status of project development works & visited the Project site and found that there was very little progress in the development of the project till date. The respondent

	<p>little progress on the development of the residential Project. The respondent kept on assuring each time that project would be completed soon and the complainant would be duly compensated for delay in offering of possession from the date of booking. Since, there was delay in offering possession beyond the committed date, the complainant stopped making further payment till confirmation from the respondent about the likely date of offer of possession.</p> <p>7. After 2017, the respondent neither intimated the status of offer of possession nor raised any demand letter asking for further payment from the complainant. The respondent got this project registered with HP Rera as an on-going project vide registration no. RERAHPSOP06180035 with a validity period of 02.09.2025. This implied that the respondent would take much more time to offer the possession of the allotted unit to the complainant.</p> <p>8. The complainant has been following up for offer of possession with the respondent on regular basis but there's no confirmation on the likely date of offer of possession in one of the recent complaint no. HPRERA2022021/C, the Authority has also observed that the completion/occupancy certificate is yet to be issued by the Competent Authority for the project. The said observation has been made by the Authority on the basis of report submitted by the Competent Authority.</p> <p>9. Now, that there has been delay of more than 7 years in offering possession of the allotted unit by the respondent, the complainant have lost all faith on the respondent's capabilities to deliver the possession of the apartment in near future. The complainant has decided to withdraw from the project as permitted U/Sec 18(1) of the act.</p>
Reliefs Sought	<p>Prayer: That in view of above submissions, it most humbly prayed that the complainant wants to withdraw from the project and seeks refund along with interest as per provisions of the Rera Act. The respondents may be directed to: A. To refund the paid amount at earliest. B. To pay interest for the delayed period in offering possession of the unit as per provisions of the RERA Act. C. Any other relief to which the complainant is entitled may also be granted in the interest of justice.</p>











Complainant Details

	Personal Info	Contact Details	Address	Notice Address
1.	SH. AMIT RANA Father : Sh. AJMER SINGH RANA Type : Allottee	9888557368 shivangipj@gmail.com	Flat No. 603,The Himalaya Employee Group Housing Society, plot no 3, Sector 23, Panchkula, Haryana, 134116	Flat No. 603,The Himalaya Employee Group Housing Society, plot no 3, Sector 23, Panchkula, Haryana, 134116

Respondent Details

	Personal Info	Contact Details	Address	
1.	MS AHLAWAT DEVELOPERS & PROMOTERS Type : Project Category : Non-Individual RERA Reg No : RERAHPSOP06180035	9501488466 adp.northindia@gmail.com	Himachal One, K.No 602-608,610-611, Malku Majra(Opp Dr Reddy's Lab) PO Bhud, Tehsil Baddi, Solan, Himachal Pradesh, 173205	
2.	SH JAGJIT SINGH AHLAWAT Type : Project Category : Non-Individual RERA Reg No : RERAHPSOP06180035	9501488466 adp.northindia@gmail.com	House No. 46,, Sector 10, Panchkula, Haryana, 134109	
3.	SH. PARIK AHLAWAT (S/O SH. JAGJIT AHLAWAT) Type : Project Category : Non-Individual RERA Reg No : RERAHPSOP06180035	9501488466 adp.northindia@gmail.com	House No. 46, Sector 10, Panchkula, Haryana, 134109	

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

1.	ANNEXURE 1 APARTMENT BUYER AGREEMENT	 
2.	ANNEXURE 2 EMAILS	 
3.	ANNEXURE 3 STATEMENT OF ACCOUNT	 
4.	ANNEXURE 4 ALLOTMENT LETTER	 
5.	VAKALATNAMA	 

Other Documents as annexed along with the complaint



No Records to Display

Declaration

Jurisdiction of the Authority

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

Declaration and Verification

☒ I **AMIT RANA**, S/O **Sh. AJMER SINGH RANA** 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 : **CHANDIGARH**

Date : **14/07/2023**

Registration Fee

Fee Amount

₹ 500

Payment Status :  **Payment Received**

Payment Mode : **Online**

Transaction No. : **HPR140720230001**

Transaction Date : **14/07/2023 02:35 PM**

Bank Details : **SBIN~319551782754**