

04.06.2021

Preeti Khokher Vs Dara Estate Pvt. Ltd.

Present : Complainant in person

Case was taken up through video conferencing.

The complainant was heard at length. She mainly pointed out the following issues.

- i. Lack of facilities and amenities in the project;
- ii. The compensation awarded by the Adjudicating Officer was inadequate;
- iii. The respondent had not submitted the Completion Certificate relating to the project to this Authority;
- iv. The respondent had not paid the due fees to the Municipal Council, Kharar;
- v. The land under the project had been mortgaged for a loan of Rs.2.76 crores but this details had not been shared with the complainant or other allottees; and
- vi. The project should be taken over by the Authority because of the serious default on the part of the promoter.

We have carefully considered the above issues and do not find any merit therein. Our findings on the above issues are as under:-

- i. The order of the Adjudicating Officer dated 26.06.2020 passed in AdC No.1291 of 2019 clearly shows that a compensation of Rs.1,50,000/- has been awarded to the complainant on account of lack of internal and external development and having to live without the basic amenities. Since compensation has already been awarded on this account the matter cannot be agitated before this Authority. The complainant did mention that she had been advised to file a fresh complaint here but could not produce any evidence to corroborate this.
- ii. We hold that, if the complainant is not satisfied with the amount of compensation awarded the proper approach is to file an appeal before the Real Estate Appellate Tribunal, Punjab and she has been advised accordingly.
- iii. It has already been held by the Adjudicating Officer in its order dated 26.06.2020 that the complainant had taken possession of the unit. Having done so she cannot have any

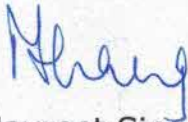
grouse about the alleged non-availability of Completion Certificate with the respondent.

- iv. This matter does not come within the purview of this Authority.
- v. On this issue the complainant has not pointed out any provision of law under which this details was to be shared with her. Details of any encumbrances have of course to be shared with the Authority at the time of registration of the project.
- vi. We also hold that no circumstance warranting action under Sections 7 and 8 of the Real Estate (Regulation and Development) Act, 2016 have been brought out in the complaint.

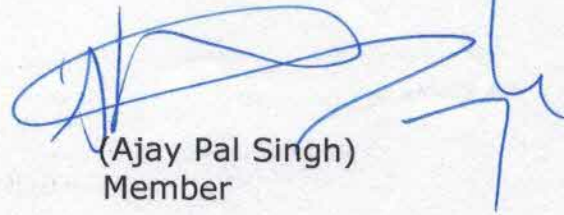
The complaint is accordingly dismissed. However, the Secretary of the Authority is directed to look into the issues at serial nos.(iii). and (v). above and ensure compliance with the law.



(Sanjiv Gupta)
Member



(Navreet Singh Kang)
Chairperson



(Ajay Pal Singh)
Member