

RAJASTHAN REAL ESTATE REGULATORY AUTHORITY,
JAIPUR

(1) Complaint No. RAJ-RERA-C-N-2022-5125

Nerraj Choudhary & others ... Complainant
Versus

Sahara Prime City Limited. ... Respondent

(2) Complaint No. RAJ-RERA-C-N-2023-6111

Madan Gopal Sharma ... Complainant
Versus

Sahara Prime City Limited ... Respondent

(3) Complaint No. RAJ-RERA-C-N-2023-6302

Akhil Tondon ... Complainant
Versus

Sahara Prime City Limited ... Respondent

(4) Complaint No. RAJ-RERA-C-N-2023-6343

Manroop Singh ... Complainant
Versus

Sahara Prime City Limited ... Respondent

Present

Smt. Veenu Gupta, Hon'ble Chairperson

1. Adv Shiven Gupta, on behalf of Complainant Nos. 1,2 & 3
2. None present on behalf of Complainant no. 4
3. Adv. Manoj Pareek present on behalf of Respondent

Date of Order: 22.07.2024

ORDER

The complainants filed the present complaints under section 31 of the Real Estate Regulation and Development Act, 2016 (hereinafter referred to as 'the Act') with regard to the project Sahara City Homes situated at Jaipur which is not registered with the Authority.

The facts of the complaints are mentioned in the table below:-



Name of complainant	Unit No.	Sale Consideration	Paid Amount	Date of allotment letter	Expected date of possession	Relief sought
Nerraj Choudhary & others	B8/904	23,24,000/-	23,24,152/-	18.03.2010	38 months from date of allotment	Refund with interest
Madan Gopal Sharma	B5/502	26,73,000/-	22,75,976/-	04.01.2013	19 months from the date of allotment	Refund with interest
Akhil Tandon	C8/701	23,12,000/-	22,48,210/-	08.09.2009	38 months from date of allotment	Refund with interest
Manroop Singh	C4/701	23,12,000/- (allotment letter) 23,48,000/- (Agreement to convey lease hold rights)	21,65,043/-	21.08.2009 Agreement to convey lease hold rights executed on 04.12.2010	38 months from date of allotment	Refund with interest

Reply has been filed by the respondent in all the cases contending that the project Sahara City Homes is not registered with the Authority, therefore, it is not having jurisdiction to decide the cases. Further, it has been contended that the respondent started development and construction work at site on due time. In 2010 a dispute had cropped up between two companies of Sahara Group with the Securities and Exchange Board of India (SEBI). on 21.11.2013, the Hon'ble Supreme Court in contempt petition no. 412/2012 and 413/2012 in civil appeal no. 9813/2011 prohibited



Sahara Group of companies from parting with their moveable and immovable properties and all moveable and immovable assets are in the control of SEBI. The Hon'ble Supreme Court has directed SEBI to control upon all transactions. Therefore, the respondent is unable to take any decision with regard to construction development and possession of the flats. Therefore, it is prayed that the respondent is not liable for delaying possession of the flats so the complaints may be dismissed with cost.

We heard the arguments from both sides and examined the record. Counsel for the respondent did not dispute the amount paid by the complainants to the respondent. The fact that the project has not been completed before the enactment of the Act makes it liable for registration and is very much within the jurisdiction of the Authority.

The Hon'ble Supreme Court, in its judgment in the case of Newtech Promoters and Developers Pvt. Ltd. vs. State of Uttar Pradesh has categorically established that it is an absolute and unqualified right of the allottee to seek refund if the promoter fails to give possession of the unit within the stipulated time period, and also makes it an obligation over the promoter to pay interest at the rate prescribed by the State Government.

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In view of the facts, observations, and discussions held hereinabove, we the respondent is directed to refund the entire amount as mentioned in the Table above paid by the complainants along with interest @ 8.95% (highest MCLR of SBI) + 2% w.e.f. the promised date of delivery as mentioned in the Table till the date of refund, within 45 days of uploading of the order on the webpage of the Authority.


(Veenu Gupta)
Chairperson