

TDI Infrastructure Pvt Ltd. Vs. Ritu aggarwal  
Appeal No. 474 of 2019

Present: Shri Rajnish Singh, Advocate, Ld counsel for the appellant.

Ms Nidhi Jain, Advocate, Ld counsel for the respondent.

Ms Nidhi Jain, Advocate, Ld counsel for the respondent

has made the following statement:

“That the respondents have no objection to allow the application of the appellant/promoter for waiver of the condition of pre-deposit. The respondents have sought the relief of refund. The ld. authority has also granted the relief of refund. The respondents have no objection that if keeping in view the legal position that the ld. authority has no jurisdiction to grant the relief of refund, the impugned order set aside. The appeal is allowed and the case is sent back to adjudicating officer, Panchkula for deciding the complaint afresh in accordance with law.”

2. Shri Rajnish Singh, Ld counsel for the appellant has made the following statement:

*“I have heard the above statement of ld. counsel for the respondent. The present appeal may be allowed as per his statement.”*

3. In view of the statement made by the Ld counsel for both the parties, the present appeal is hereby allowed. The impugned order dated 15.01.2019, passed by the Ld Real Estate Regulatory Authority, Panchkula is hereby set aside. The case is sent to the Adjudicating Officer, Panchkula for adjudication of the complaint afresh in accordance with law. The Ld Adjudicating Officer will allow the parties to amend their pleadings to bring it in conformity with rule 29 of the Haryana Real Estate (Regulation and Development) Rules, 2017.

4. This order passed by this Tribunal and observation of the Ld. Authority in the impugned order will not prejudice the mind of the Ld Adjudicating Officer qua the rights of the parties on the merits of the case.

5. The parties are directed to appear before the Ld Adjudicating Officer, Panchkula for further proceedings. Copy of this order be

communicated to the Ld Real Estate Regulatory Authority, Panchkula and the Ld Adjudicating Officer, Panchkula for compliance.

6. File be consigned to record.

Justice Darshan Singh (Retd.)  
Chairman,  
Haryana Real Estate Appellate Tribunal,  
Chandigarh  
23.07.2019

Inderjeet Mehta  
Member (Judicial)  
23.07.2019

Anil Kumar Gupta  
Member (Technical)  
23.07.2019