

Puneet Mathur
V/s
Supertech Limited.
Appeal No.293 of 2019

Present: Ms. Akansha Nayyar, Advocate, Ld. counsel for the appellant.
Shri Akshat Mittal, Advocate, Ld. counsel for the respondent.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

Ld. counsel for the appellant stated that the relief of the appellant-allottee in the complaint was for the refund of the entire amount along with interest. She contended that the Ld. Authority was not having any jurisdiction to entertain the complaint with respect to the relief of refund along with interest and the same should have been sent to the Ld. Adjudicating Officer. She pleaded that the impugned order being without jurisdiction may be set aside and the complaint should be transferred to the Ld. Adjudicating Officer for adjudication as per law.

Ld. counsel for the respondent has no objection to this proposal/plea raised by the Ld. counsel for the appellant.

Thus, in view of the aforesaid position, the present appeal is hereby allowed and the impugned order dated 27th February, 2019 is hereby set aside and the case is remanded/remitted to the Ld. Adjudicating Officer, Gurugram for fresh decision of the complaint as per law.

It is made clear that anything mention in the impugned order will not prejudice the mind of the Ld. Adjudicating Officer and he will take the independent decision of the pleas raised by the parties. The parties are directed to appear before the Ld. Adjudicating Officer, Gurugram on 04th September, 2020.

Copy of this order be sent to the Ld. counsel for the parties/parties, Ld. Haryana Real Estate Regulatory Authority, Gurugram and the Ld. Adjudicating Officer, Gurugram for compliance.

File be consigned to the records.

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

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

18.08.2020
Gaurav