



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 3115 OF 2019

Vishisht Capital Services Pvt. Ltd.

....COMPLAINANT(S)

VERSUS

M/S Parsvnath Developers Ltd.

....RESPONDENT(S)

CORAM: **Rajan Gupta**
Dilbag Singh Sihag

Chairman
Member

Date of Hearing: 12.07.2022

Hearing: 11th

Present: - Mr. Nitin Kant Setia, counsel for the complainant through video conference
Ms. Rupali S. Verma, counsel for the respondent through video conference

ORDER (RAJAN GUPTA - CHAIRMAN)

1. Present case was heard and was announced as disposed of during hearing. However, after perusing the documents on record, it is

revealed that certain issues need to be adjudicated before final disposal of the matter which are as follows:

- (i) Whether plot in question has been properly demarcated and measurement at the site had been done or not?
- (ii) Whether complainant has taken over actual physical possession of the plot or not?
- (iii) Complainant has paid a sum of ₹3,95,10,760/- towards EDC and IDC and a further sum of ₹7,41,24,184/- was to be paid by complainant along with interest, if any. Whether complainant is willing to pay remaining amount in absence of respondent having not obtained the extension of existing licence for the land in question?
- (iv) Whether or not the plot allotted to the complainant is as per approved layout plans?

Accordingly, parties are directed to submit the above information, and arguments in this regard will be heard on next date.

2. It is pertinent to mention that an application dated 07.12.2021 has been filed in the Authority on 20.12.2021 by RWA, Parsvnath City, Dharuhera under the provisions of Order 1 Rule 10 of the Civil Procedure Code, 1908 for impleading the applicant in the array of parties being proper and necessary party for proper adjudication of the present complaint. The Association has submitted that the Authority vide orders dated 28.01.2021 has directed DTP, Rewari to demolish the main entrance gate whereas it is



the only one gate for passage of the residents living therein and demolition of said gate is in contravention of the rights of the residents. The applicant further submitted that complainant is not the original allottee and has purchased the land from the developer/respondent. Furthermore, the sale of the commercial plot is illegal as the license had already expired at the time of sale and the plots sold to the complainant by the respondent are not according to the plan approved by the DTCP. So, it has been prayed that present application may be allowed in interest of justice.

3. Authority is of the considered opinion that since, as per written averments made by the association, rights of residents of project in question may get prejudiced by demolition of gate, it is necessary to adjudicate said application dated 07.12.2021 on merits. Accordingly, complainant is directed to collect copy of the application from the office of the Authority.

4. Adjourned to 02.11.2022. Respondent is also directed to pay the Authority earlier imposed costs of ₹10,000/- within 15 days of uploading of this order.


RAJAN GUPTA
[CHAIRMAN]


DILBAG SINGH SIHAG
[MEMBER]