



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		35
Day and Date	Thursday and 12.05.2022	
Complaint no.	CR/1623/2021 Case titled as Sheetal Kalsi, Rahul Kalsi, Ravi Kalsi, Usha Kalsi and Shipra Kalsi Vs. Emaar MGF Land Ltd.	
Complainant	Sheetal Kalsi, Rahul Kalsi, Ravi Kalsi, Usha Kalsi and Shipra Kalsi	
Complainant represented through	Shri Abhijeet Gupta, Advcoate	
Respondent	Emaar MGF Land Ltd.	
Respondent represented through	Sh. J.K. Dang Advocate	
Last date of hearing	03.02.2022 (Transferred from AO)	
Proceeding recorded by	Naresh Kumari and HR Mehta	
Proceedings		
<p>The file has been received on transfer from the court of adjudicating officer in view of the judgment dated 11.11.2021 passed by the Apex Court in case titled as <i>M/s Newtech Promoters and Developers Pvt Ltd Versus State of U.P. and Ors.</i> wherein it was held that when it comes to refund of the amount, and interest on the refund amount, or directing payment of interest for delayed delivery of possession, or penalty and interest thereon, it is the regulatory authority which has the power to examine and determine the outcome of such complaint.</p> <p>The present complaint was filed in 'Form CAO' on 25.03.2021 and the reply has been filed by the respondent on 05.10.2021.</p> <p>The complainants have already approached Hon'ble National Consumer Dispute Redressal Commission, New Delhi (NCDRC) by filing complaint bearing no. 58 of 2015 seeking refund of the amount paid to the respondent no.1. The said complaint is pending adjudication and has been listed for final</p>		

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016की धारा 20के अंतर्गत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016का अधिनियम संख्यांक 16



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20/05/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

hearing on 24.05.2022. Since, the matter is sub-judice before Hon'ble NCDRC and the complainants had already approached a competent forum seeking the desired relief, so in view of ratio of law laid down in case of Ireo Grace Realtech Pvt. Ltd. Versus Abhishek Khanna bearing civil appeal no.5785 of 2019 decided on 11.1.2021, the present complaint is dismissed being not maintainable. File be consigned to the registry.

V.1-3
Vijay Kumar Goyal
Member


Dr. KK Khandelwal
Chairman
12.05.2022