

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.24 of 2019

Date of Decision: 20.08.2019

Sare Gurugram Private Limited (formerly known as Ramprastha SARE Realty Private Limited), Registered Office at E-7/12, LGF, Malviya Nagar, Delhi-110017.

Communication Address at: Plot no.46, Udhog Vihar, Phase-IV, Gurugram-122015.

Appellant

Versus

1. Rishi Kumar Khanna R/o A-4, Kallol Apartments, 35, I.P. Extension, Delhi-110092.

2. Gaurav Khanna R/o A-4, Kallol Apartments, 35, I.P. Extension, Delhi-110092.

Respondents

CORAM:

Justice Darshan Singh (Retd.) Chairman
Shri Inderjeet Mehta Member (Judicial)
Shri Anil Kumar Gupta Member (Technical)

Present: Shri Sangram S. Saran, Advocate, learned counsel for the appellant.
Shri Vijayender Narain Mittal, Special Power of Attorney of the respondents.


ORDER:


Shri Vijayender Narain Mittal, Special Power of Attorney holder of the respondents has made the following statement: -

"I am the Special Power of Attorney of respondent no.1 Shri Rishi Kumar Khanna and the respondent no.2 Gaurav Khanna. The Powers Of Attorney are Annexrure 'A' and 'B' respectively. I have no objection if the application moved by the appellant-promoter for waiver of the condition of pre-deposit is allowed. The present appeal may be allowed and the complaint may be sent to the Adjudicating Officer, Gurugram for adjudication of the complaint as the respondents-allottees are only interested to seek refund of the amount alongwith interest and they do not want delivery of possession of the unit."

2. In view of the statement made by the Special Power of Attorney of the respondents, the application moved by the appellant-promoter for waiver of the condition of pre-deposit is hereby allowed.
3. Further as per the statement made by the Special Power of Attorney of the respondents, the present appeal is hereby allowed. The impugned order dated November 06th, 2018 passed by the learned Real Estate Regulatory Authority, Gurugram is hereby set aside. The complaint filed by the respondents/allottees is hereby sent to the learned Adjudicating Officer, Gurugram for adjudication in accordance with law. It is made clear that the learned Adjudicating Officer will allow the parties to amend their pleadings in order to bring the same within the purview of rule 29 of the Haryana Real Estate (Regulation and Development) Rules, 2017. It is further made clear that any observation made by the learned Real Estate Regulatory Authority in the impugned order will not prejudice the case of either of the parties on merits.
4. The parties are directed to appear before the learned Adjudicating Officer, Gurugram on 11.09.2019. Copy of this order be communicated to the learned Real Estate Regulatory Authority, Gurugram and the learned Adjudicating Officer, Gurugram for compliance. File be consigned to records.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh
20.08.2019


Inderjeet Mehta
Member (Judicial)
20.08.2019


Anil Kumar Gupta
Member (Technical)
20.08.2019