



**BEFORE THE ADJUDICATING OFFICER OF
HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.**

1. Complaint No. RERA-PKL-1601 of 2019
Dwarkadhis Projects Pvt. Ltd. ...Complainant(s).

Versus

Vaibhav Tyagi. ...Respondent(s).

2. Complaint No. RERA-PKL-1602 of 2019
Dwarkadhis Projects Pvt. Ltd. ...Complainant(s).

Versus

Amber Prakash and another. ...Respondent(s).

3. Complaint No. RERA-PKL-1604 of 2019
Dwarkadhis Projects Pvt. Ltd. ...Complainant(s).

Versus

Poonam Kaur ...Respondent(s).

4. Complaint No. RERA-PKL-1605 of 2019

Dwarkadhis Projects Pvt. Ltd. ...Complainant(s).

Versus

Sujeet Kumar Gupta. ...Respondent(s).

5. Complaint No. RERA-PKL-1606 of 2019

Dwarkadhis Projects Pvt. Ltd. ...Complainant(s).

Versus

Shalini Anand. ...Respondent(s).

Date of hearing:- 14.08.2019 (1st Hearing)

Present:- Shri Gaurav G.S. Chauhan, Counsel for complainants.
Shri Sachin RaiVaid, Counsel for respondents in Complaint
Case Nos. 1601 & 1605.
Shri Amber Parkash Rupesh, Counsel for respondent in
Complaint Case No. 1602.
Shri Rajesh Chopra, Counsel for the respondent in
Complaint Case No. 1606.

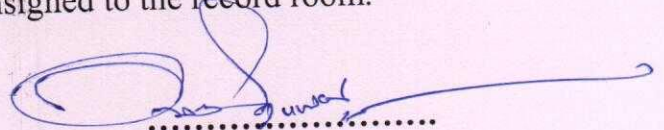
ORDER (Anil Kumar Panwar-Adjudicating Officer)

1. Reply has been filed in complaint Nos. 1601, 1605 and 1606 of 2019. Service in complaint No. 1604 of 2019 is not yet effected and the report received is that the addressee has shifted from the given address. Neither reply has been filed nor any one appears in complaint case No. 1602 of 2019, even though the service has been duly effected.

2. During the course of arguments, it has transpired that the above titled bunch of complaints have been filed by licensee/owners of the project named "Dwarkadhis Projects Pvt. Ltd." seeking indulgence of Adjudicating Officer for directing the respondents to pay the outstanding dues alongwith interest. According to the complainant, the project is arround 70% ready and further progress in the project has halted because the respondents are not being paid the balance dues. So, the precise relief which the complainant is claiming in the above cases is not regarding refund of already paid amount. The complainant is rather seeking directions against the allottees for paying him the outstanding dues. The complaints will therefore fall in the jurisdiction of the Real Estate Regulatory Authority, Panchkula (for short RERA) and not the Adjudicating Officer, who in terms of the provisions of Section 71 of the Real Estate (Regulation and Development) Act, 2016 is competent only to adjudge the compensation payable under Sections 12, 14, 18 and 19 of the RERA Act. Accordingly, the present complaints are not maintainable before this Authority and deserves to be filed before the RERA, Panchkula.

3. Viewed from above prospective, the complaints are dismissed leaving the complainant at liberty to file the same before RERA, Panchkula.

4. Order be uploaded and files be consigned to the record room.



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Anil Kumar Panwar
(Adjudicating Officer)