



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. विभाग गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		19
Day and Date	Tuesday and 09.05.2023	
Complaint No.	CR/5006/2019 Case titled as Emaar Mgf Land Limited Vs Sanjay Rana	
Complainant	Emaar Mgf Land Limited	
Represented through	Shri Ishaan Dang Advocate	
Respondent	Sanjay Rana	
Respondent Represented	None	
Last date of hearing	Remand case	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint was filed in 'Form CRA' on 27.11.2019 and the reply has been filed by the respondent on 21.09.2020.		
The present complaint was filed by complainant/promoter and the same was disposed of on 12.02.2021 and it was observed as under:		
<i>"Reply has already been filed by the respondent.</i>		
<i>Since the matter is pending before the NCLT, the complainant is advised to pursue the matter before the said forum.</i>		
<i>In view of the pendency of the matter before the NCLT, the present complaint stands disposed. File be consigned to the Registry."</i>		
Thereafter, the complainant/promoter has approached the Hon'ble HREAT by filing an appeal bearing no. 110 of 2021 and the said appeal was disposed of on 19.01.2023 with following observations:		
<i>"9. Admittedly, vide impugned order dated 12.02.2021 the complaint preferred by the appellant/promoter had been dismissed by the learned Authority simply on account of the fact that the matter was pending before the Hon'ble NCLT and the appellant was advised to pursue the matter before the said forum. Since, that petition filed by the respondents/allottees before the Hon'ble NCLT</i>		

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016

भू-संपदा (विनियामन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण



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CR No. 5006/2019

New PWD Rest House, Civil Lines, Gurugram, Haryana


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


has been got dismissed as withdrawn, so, in these circumstances, the matter is remitted to the learned Authority for adjudication of the present lis between the parties on merits.


10. Consequently, the present appeal is hereby allowed. The impugned order dated 12.02.2021 handed down by the learned Authority is set aside. The complaint is remitted to the learned Haryana Real Estate Regulatory Authority, Gurugram, for fresh trial/decision in accordance with law. The learned Authority is directed to dispose of the complaint preferred by the appellant/promoter expeditiously."

The respondent has filed the reply on 21.09.2020 but the copy is not received by the complainant-promoter and a copy of the reply may be obtained from the registry of the authority as none is present on behalf of the respondent-allottee. One more opportunity to the respondent allottee is given to put in appearance.

Matter to come up on **01.08.2023** for further proceedings.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
09.05.2023