

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

**Appeal No. 324 of 2020
Date of Decision: 19.05.2023**

M/s Aerens Jai Realty Private Limited through Shri Devendra Mishra authorised representative, H-16/A/947, Block-H, Gali No.16, Sangam Vihar, New Delhi-110062.

Appellant

Versus

Haryana Real Estate Regulatory Authority, New Mini Secretariat, Sector-1, Panchkula.

Respondent

CORAM:

Justice Rajan Gupta	Chairman
Shri Inderjeet Mehta,	Member (Judicial)
Shri Anil Kumar Gupta,	Member (Technical)

Present: Mr. Sourabh Goel, Advocate
for the appellant.

Mr. Arvind Mehtani, CTP, HRERA, Panchkula
for the respondent.

ORDER:

RAJAN GUPTA, CHAIRMAN:

The present appeal has been preferred against the order dated 03.03.2020 passed by Haryana Real Estate Regulatory Authority, Panchkula (hereinafter

called 'the Authority'), in Complaint No.2931 of 2019. The operative part of the impugned order reads as under:-

"2. The Authority does not agree with the arguments of the learned counsel. At this stage, the authority draws the distinction between the obligations of the promoters towards its allottees and the obligations of the promoters towards State Government under the Haryana Development and Regulation of Urban Areas Act. The fact that part completion certificate has not been granted prima facie is evidence pointing to the fact that the requisite services have not been lead. It can be looked from another angle that the promoters after having sold the plots to its allottees is duty bound to follow up and to get part completion certificate. All the allottees have a right to get completion certificate of the colony in which they have invested their money. The promoters will not be absolved of this responsibility towards the allottees simply by filing an application in the Town and Country Planning Department. No evidence or proof has been produced before the Authority whether inspection of infrastructure facilities in the colony has been carried out by the Chief Engineer, HSVP. Even District Town Planner, Yamunanagar vide his letter dated 20.02.2020 has reported that the services are lying in bad conditions.

3. Accordingly, the Authority observes that *prima facie* it is an on-going project, therefore, promoters should file an application for its registration within a period of 30 days, failing which action will be initiated against them. A copy of the letter/report of the District Town Planner be supplied to the learned counsel of the respondent-promoters.

4. Adjourned to **07.04.2020.**

2. Limited grievance raised before us by learned counsel for the appellant is that despite the fact he had made an application to DTCP to grant completion certificate, no response has been received. Admittedly, the proceedings are still pending before the Authority, Panchkula. Today, Mr. Arvind Mehtani, CTP, HRERA, Panchkula, is present in court. He submits that another copy of the report of DTCP is available with him. Copy thereof has been supplied to learned counsel for the appellant as well. Same is taken on record.

3. In view of the above, no cause of action survives in this appeal. Learned counsel for the appellant submits that he may be allowed to withdraw the appeal with liberty to pursue his complaint before the Authority at Panchkula.

4. Disposed of as such.
5. Copy of this order be sent to the parties/counsel for the parties and the Authority, Panchkula.
6. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

19.05.2023
cl

Judgment-Haryana Real Estate Appellate Tribunal