



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 28 OF 2018

Kanta Sharma and Ors.

....COMPLAINANT(S)

VERSUS

Shalimar Estate Pvt. Ltd.

....RESPONDENT

**CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar**

**Member
Member**

Date of Hearing: 27.04.2023

Hearing: 20th

Present: Mr. Sudhershnan Kumar, ld. counsel for the complainant.
Mr. Nikhil Sabharwal, ld. counsel for the respondent in both the
Complaints through Video Conferencing.

ORDER (NADIM AKHTAR - MEMBER)

1. Ld. Counsel for respondent submitted that he had raised legal objection regarding jurisdiction of the Authority to entertain the complaints on the ground that in judgment rendered by Hon'ble Supreme Court in "M/s Newtech Promoters and Developers Pvt. Ltd. vs. State of UP & Ors. Etc." (Civil Appeal no. 6745-6749 of 2021 arising out of SLP(Civil) no. 3711-3715 of 2021), RERA does not have jurisdiction to entertain complaint relating to unregistered project. After hearing for

(Handwritten signature)

the parties, vide order dated 31.05.2022, Authority observed passed in Complaint no. 726 & 804 of 2021 that Respondent is completely misreading provisions of the Act & Para no. 54 of the judgment of the Hon'ble Apex court in Newtech Promoters matter and this Authority has jurisdiction to entertain the complaint as interpretation of law put forward by the respondent cannot be accepted.

2. Feeling aggrieved from the order dated 31.05.2022 passed by the Authority, Promoter Shalimar Estate Pvt. Ltd. filed Appeal nos. 449 & 501 of 2022 before the Haryana Real Estate Appellate Tribunal, Chandigarh. Vide order dated 21.04.2023 Hon'ble Haryana Real Estate Appellate Tribunal dismissed both the appeals of the Appellant promoter holding that impugned order dated 31.05.2022 passed by the Ld. Authority is perfectly legal & valid.

3. Thereafter the Respondent promoter filed appeals bearing no. 55 & 56 of 2023 before the Hon'ble Punjab & Haryana High Court challenging the order dated 31.05.2022 passed by the Authority and order dated 21.04.2023 passed by Haryana Real Estate Appellate Tribunal. In both the RERA Appeals, Hon'ble Punjab & Haryana High Court issued notice of motion for 24.05.2023 & till the next date of hearing, operation of impugned orders dated 31.05.2022 & 21.04.2023 has been ordered to be stayed.

4. The respondent promoter filed CWP No. 9300 of 2023 before the Hon'ble Punjab & Haryana High Court challenging orders dated 27.04.2023 passed by this



Authority in Complaint No. 28 of 2018 titled as Kanta Sharma vs. Shalimar Estate Pvt. Ltd. Vide order dated 27.04.2023, argument were heard & order was reserved. In the said civil writ petition, Hon'ble Punjab & Haryana High Court passed an interim order in the same terms as in RERA Appeal No. 55 of 2023 titled as "Shalimar Estate Pvt. Ltd. vs. Rakesh Kumar Garg"

5. Since Appeal nos. 55-56 of 2023 and CWP no. 9300 of 2023 are pending for adjudication before the Hon'ble Punjab and Haryana High Court and interim stay has been granted, an adjournment is requested by the respondent for awaiting the outcome of said appeals and writ petition. Request of the respondent accepted.

6. Adjourned to 04.07.2023.


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Dr. GEETA RATHEE SINGH
[MEMBER]


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NADIM AKHTAR
[MEMBER]