

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

Appeal No. 391 of 2021

Emaar MGF Land Ltd. registered office at 306-308, Square One, C-2 district Centre, Saket, New Delhi-110 017

2nd Address Corporate Office, Emaar Business Park, MG Road, Sikandarpur, Sector 28, Gurugram (Haryana) 122 002

Appellant

Versus

Shri Ashutosh Gangwar, R/o Flat No. A-703, Ispatika Apartments, Plot No. 29, Sector 4, Dwarka, New Delhi-110078.

Respondent

CORAM:

**Justice Rajan Gupta
Shri Inderjeet Mehta
Shri Anil Kumar Gupta**

**Chairman
Member (Judicial)
Member (Technical)**

Present: Shri Kunal Dawar, Advocate,
for the appellant.

None for the respondent.

O R D E R:

Rajan Gupta, Chairman:

The appellant is aggrieved by the order dated 18.03.2021 passed by the learned Haryana Real Estate Regulatory Authority, Gurugram, (hereinafter called 'the Authority') and the same is reproduced as under:-

“ As per statement of counsel for the respondent, the matter is pending before the NCDRC, but there is no bar in pursuing the matter in different forum. Since the matter is pending before the NCDRC, the authority is of the view that no decision can be taken on the subject matter till the pendency of the case and as such, complaint is not maintainable. Accordingly, the present complaint is dismissed. File be consigned to the Registry.”

2. Primarily submissions of the appellant are that the jurisdiction of the Authority to entertain the complaint filed by the promoter have not been dealt with.

3. On the other hand, learned counsel for the respondent submits that the matter is pending before the NCDRC, thus, it has jurisdiction to adjudicate upon the matter.

4. We do not wish to express any opinion on the contentions made before this Tribunal. However, we find that the order is cryptic and non-speaking. Under these circumstances, we set aside the same and remit the matter to the Authority to decide the same afresh after affording opportunity of being heard to both the parties.

5. Both the parties agree that they shall appear before the Authority on 11.04.2023.

6. The appeal stands disposed of in view of the aforesaid observations.

7. Copy of this order be sent to the parties and Haryana Real Estate Regulatory Authority, Gurugram.

8. File be consigned to the record.

Justice Rajan Gupta
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

