



Complaint no. 1373/19

## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### COMPLAINT NO. 1373 OF 2019

Aerens Gold Souk Pvt. Ltd.

....COMPLAINANT

VERSUS

Rameshwar

....RESPONDENT

**CORAM:** Rajan Gupta  
Anil Kumar Panwar  
Dilbag Singh Sihag

**Chairman**  
**Member**  
**Member**

**Date of Hearing:** 22.08.19

**Hearing:** 2<sup>nd</sup> hearing

**Present:** - Sh. Pradeep, Counsel for the complainant

Sh. Sourabh Goel, Counsel for the respondent

### **ORDER (DILBAG SINGH SIHAG- MEMBER)**

1. This matter is listed for review of order passed by the Authority on 22.01.19 in complaint no. 44 of 2018 titled as Rameshwar V Aerens Gold Souk Pvt. Ltd.

2. The applicant has filed the present application on the grounds that the license no. 54 of 2009 of the project was cancelled by the DTCP and project was taken over by the department on 27.10.16. It clearly implies that DTCP has stepped into the shoes of developer and applicant ceases to be the developer of the project. Hence, no order ought to have been passed qua the applicant. He also stated that as per the order of the Hon'ble Haryana Real Estate Appellate Tribunal in appeal no. 06 of 2018 titled as Sameer Mahawar V M.G. Housing Pvt. Ltd., the Authority has no power to grant the relief of refund. Therefore, in view of the above, the applicant prays for review of the order dated 22.01.19.

3. The Authority observes that the Hon'ble Haryana Real Estate Appellate Tribunal vide its order dated 02.05.19 has also held in **appeal no. 06 of 2018 titled as Sameer Mahawar V M.G. Housing Pvt. Ltd.** that decision of the Appellate Tribunal will not apply to the orders which have already attained finality. The operative part of the judgment is reproduced as follows: -

***“53. It is made clear that this order of ours will not apply to the orders, directions and decisions, which has already attained finality.”***

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Therefore, the grounds on which applicant has filed this application has no merit and stands no ground, whatsoever. The Authority had passed the order of refund in the main complaint after thoroughly considering the written and verbal pleadings of the complainant, respondent as well as Department of Town and Country Planning. Now, applicant cannot challenge the order of the Authority on the same grounds before this Court when matter has already been heard and decided on merits. Therefore, the Authority cannot review its own decision since there is no factual error apparent on the face of record. In view of the above, this review application is **dismissed**.

Order be uploaded on the website and files be consigned to the record room.



**RAJAN GUPTA**  
[CHAIRMAN]



**ANIL KUMAR PANWAR**  
[MEMBER]



**DILBAG SINGH SIHAG**  
[MEMBER]