



Complaint No. 505 of 2019

## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: [www.haryanarera.gov.in](http://www.haryanarera.gov.in)

### COMPLAINT NO. 505 OF 2019

Vineet Gupta

....COMPLAINANT

VERSUS

TDI Infrastructure Ltd.

....RESPONDENT

**CORAM: Rajan Gupta**

**Chairman**

**Anil Kumar Panwar**

**Member**

**Dilbag Singh Sihag**

**Member**

**Date of Hearing: 22.08.2019**

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

**Present: -** Mr. Gajanand Kirodiwala & Ms. Anisha Mathur,  
Counsel for the complainant.

Mr. Shobit Phutela, Counsel for the respondent.

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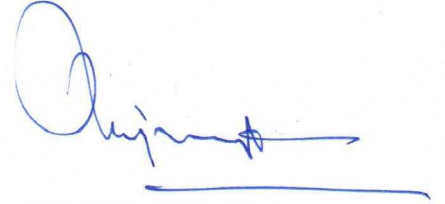
**ORDER** (DILBAG SINGH SIHAG-MEMBER)

1. The complainant in the present case has made a prayer for refund along with interest and compensation. The respondent however, wants to settle the dispute with him by offering him an alternate plot. The alternate plot is not acceptable to the complainant and he insists for refund because the possession of the original plot allotted to him in December, 2005 has not been delivered within the agreed time. Therefore, he requests that the matter may be transferred to the Adjudicating Officer.

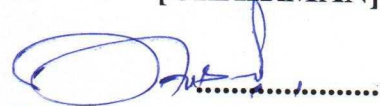
2. Considering the refusal of the complainant to accept the alternate plot, the Authority is of the view that since the respondent is unable to offer the complainant the original plot and the alternate plot is not acceptable to the complainant, it amounts to frustration of the agreement executed between them. The respondent cannot force the complainant to accept the alternate plot in lieu of the plot originally allotted to him. Therefore, the present matter will fall within the jurisdiction of the Adjudicating Officer.

3. Since, the recruitment of Adjudicating Officer is under process, therefore, the case is adjourned sine die till the appointment of the new

Adjudicating Officer and the office is directed to place the matter before  
Adjudicating Officer on his appointment.



**RAJAN GUPTA**  
**[CHAIRMAN]**



**ANIL KUMAR PANWAR**  
**[MEMBER]**



**DILBAG SINGH SIHAG**  
**[MEMBER]**

