



Complaint No. 906 of 2019

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in
COMPLAINT NO. 906 OF 2019

Pivotal Infrastructure Pvt. Ltd.COMPLAINANT(S)

VERSUS

Bhupesh MittalRESPONDENT(S)

CORAM: Anil Kumar Panwar Member
Dilbag Singh Sihag Member

Date of Hearing: 21.08.2019

Hearing: 1st

Present: - Mr. Rohan Gupta, Counsel for Complainant
Mr. Bhupesh Mittal, Respondent in Person

ORDER (ANIL KUMAR PANWAR- MEMBER)

1. This Authority in a matter, where relief claimed was that the complainant shall be awarded compensation on account of two years delay in delivery of possession and certain demands raised by the promoter shall be declared as illegal, has passed an order on 14.11.2018 directing the promoter

to re-calculate the demands in terms of the principle laid-down in a case bearing complaint No. 49 of 2018 – titled as “Parkash Chand Arohi Versus M/s Pivotal Infrastructure Pvt. Ltd.” decided on 04.09.2018. Reasons for passing of such order were stated in paragraph No. 4 of the said order, which reproduced as under: -

“The Authority was apprised by the counsels for the parties that various points relating to the demand raised against the complainant has been already dealt with by this Authority in the previous complaint No. 49 of 2018 titled as Parkash Chand Arohi Versus M/s Pivotal Infrastructure Pvt. Ltd. decided on 04.09.2018. So, the learned counsel for the parties have requested that the issues concerning the legality and propriety of various demands and manner about the arriving at calculations under various heads, may be decided in terms of the judgment passed in complaint case No. 49 of 2018, ibid.

2. The promoter has now filed an application averring that he had never intended to get a consensual order passed against him because he had filed the reply contesting the complaint and, therefore, the Authority shall pass a fresh order to dispose of the matter on merits.

3. Parties have been heard and record has been perused.

4. In paragraph 8 of the application now moved by the promoter for rectification of the earlier order, the averments made are as under: -

“8. That in view of the above submissions it is in the interest of justice that the said portion of the impugned order dated 14.11.2018 wherein it has been recorded that the learned counsel for the parties have requested that the issues concerning legality and propriety and the manner about the arriving at the calculations under various heads may


be decided, in terms of the judgment passed in complaint case No. 49 of 2018, ibid, be amended/modified that the present complaint to be disposed of on merits in terms of the earlier order passed by the Hon'ble Authority in complaint No. 49 of 2018 wherein the similar issues as were raised in the present complaint have been adjudicated and a detailed order has been passed in the said complaint No. 49 of 2018 and the same principles which were laid by this Hon'ble Authority in complaint No. 49 of 2018 shall suitably apply in the present complaint. It is in the interest of justice that the request as recorded on behalf of the petitioner may kindly be expunged from the order dated 14.11.2018 as it had led to the closure of the right of the petitioner against the impugned order dated 14.11.2018."

5. During the course of arguments, specific question was put to the promoter's learned counsel as to whether or not the principle laid down in the earlier disposed of complaint case No. 49 of 2018 are acceptable to the applicant, learned counsel replied in affirmative. Not only this, the above reproduced paragraph of the application itself makes a prayer that the matter shall be disposed of on merits in terms of the earlier order passed in complaint case No. 49 of 2018. So, when the applicant is not even now disputing the principle laid down in complaint case No. 49 of 2018 and is seeking disposal of the matter in terms of these principles, there exists no ground for making any amendment/modification in the order already passed by this Authority.

6. For the reasons recorded above, the application filed by the promoter for review/modification of the order is hereby **dismissed**.



7. File be consigned to the record room.



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]

