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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		82
Day and Date	Wednesday and 20.09.2023	
Complaint No.	CR/8040/2022 Case titled as EMU Lines Private Limited Vs Preserve Faciliteex Private Limited	
Complainant	EMU Lines Private Limited	
Represented through	Shri Uday Kumar, Advocate	
Respondent	Preserve Faciliteex Private Limited	
Respondent Represented through	Ms Shikha, proxy counsel	
Last date of hearing	12.7.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The present complaint was filed on 12.01.2023 and was fixed for appearance as well as filing of reply by the respondent.

However, no reply has been filed by the respondent till date rather an application challenging maintainability of complaint has been filed vide which it has been submitted that the respondent company is only a maintenance agency maintaining the upkeep of the project and is neither a promoter or Real Estate Agent. Further as per Section 31 of the RERA Act, any aggrieved person may file a complaint for violation or contravention of the provisions of the act against promoter, allottee or real estate agent. But the respondent being maintenance agency does not fall within the ambit of the Act of 2016. Hence, the current complaint is not maintainable and thus is liable to be dismissed.

None has put in appearance on behalf of the complainant today and neither on the last date of hearing wherein one last opportunity was granted to the complainant to respond to the application for maintainability and to further pursue the matter. But despite the above opportunity, no reply to the above



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CR/8049/2022

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application of maintainability has been filed by the complainant till date and neither the complainant is putting in appearance.

In view of the above, the matter stands dismissed in default. File be consigned to the registry.

V.1-3
Vijay Kumar Goyal
Member
20.09.2023