



Complaint no.1738,1739,1740,1741,  
1742,1743,1744,1751,1752,1754,  
1755,1756,1757,1758,1759,1760,  
1761 of 2019

## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

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

### 1. COMPLAINT NO. 1738 OF 2019

Vinay Kumar .....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd. ....RESPONDENT(S)

### 2. COMPLAINT NO. 1739 OF 2019

Rajender Kumar Rustagi .....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd .....RESPONDENT(S)

### 3. COMPLAINT NO. 1740 OF 2019

Prabina Kumar Mohpatra .....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd .....RESPONDENT(S)

### 4. COMPLAINT NO. 1741 OF 2019

Pingaksh .....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd. ....RESPONDENT(S)

### 5. COMPLAINT NO. 1742 OF 2019

Meenu Rustagi .....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd .....RESPONDENT(S)

**6. COMPLAINT NO. 1743 OF 2019**

Ashu Jain .....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd .....RESPONDENT(S)

**7. COMPLAINT NO. 1744 OF 2019**

Hoshiar Singh Mandiwal .....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd .....RESPONDENT(S)

**8. COMPLAINT NO. 1751 OF 2019**

Ranjan Gupta .....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd .....RESPONDENT(S)

**9. COMPLAINT NO. 1752 OF 2019**

Rupali Gupta .....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd .....RESPONDENT(S)

**10. COMPLAINT NO. 1753 OF 2019**

Sunita .....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd .....RESPONDENT(S)

**11. COMPLAINT NO. 1754 OF 2019**

Sube Singh Rangri .....COMPLAINANT(S)

VERSUS



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1761 of 2019

M/s Piyush Coloniser Ltd

....RESPONDENT(S)

**12. COMPLAINT NO. 1755 OF 2019**

Sachin Sharma

....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd

....RESPONDENT(S)

**13. COMPLAINT NO. 1756 OF 2019**

Yashpal Bhutani

....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd

....RESPONDENT(S)

**14. COMPLAINT NO. 1757 OF 2019**

Vinay Kumar Jain

....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd

....RESPONDENT(S)

**15. COMPLAINT NO. 1758 OF 2019**

Ram Niwas Bansal

....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd

....RESPONDENT(S)

**16. COMPLAINT NO. 1759 OF 2019**

Atul Bawa

....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd

....RESPONDENT(S)

**17. COMPLAINT NO. 1760 OF 2019**

Ritu Singh

....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd

....RESPONDENT(S)

**18. COMPLAINT NO. 1761 OF 2019**

Prateek Bhatnagar

....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd

....RESPONDENT(S)

**19. COMPLAINT NO. 1430 OF 2019**

USHA DEVI

....COMPLAINANT(S)

VERSUS

M/s Piyush Coloniser Ltd

....RESPONDENT(S)

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

**Chairman  
Member  
Member**

**Date of Hearing: 18.09.2019**

**Hearing: 3<sup>rd</sup>**

**Present: - Ms. Mehak Sawhney, Counsel for complainant.**

None for respondent.



**ORDER (ANIL KUMAR PANWAR-MEMBER)**

1. The present bunch of complaints was filed for the execution of order dated 11.12.2018 passed by this Hon'ble Authority in Complaint No. 510 of 2018 as lead case titled Hoshiar Singh Mandiwal vs M/s Piyush Coloniser Ltd. The operative part of order reads as under:

“It is, therefore, ordered that the respondent shall refund the entire sum of money paid by the complainants to them along with interest as prescribed in Rule 15 of RERA Rules, 2017. The respondent shall pay the money within a period of 60 days from the date of passing these orders.”

2. The counsel for complainant states that The National Company Law Tribunal (NCLT) has initiated insolvency proceedings against the respondent under Section 7 of the Insolvency and Bankruptcy Code 2016 and has also appointed interim resolution professional (IRP). Learned counsel has requested the Authority to dispose of these matters in terms of decision taken by this Authority in the aforesaid circumstances in complaint No.383 of 2018 Gurbaksh and another Versus M/s ABW Infrastructures Pvt.Ltd.

3. The Authority while disposing of Complaint no.383 of 2019 and other connected complaints, had ruled that the Allottees of a project should be treated on different footings from rest of the financial or operational creditors. The allottees to the extent of payments which they had already made become owner

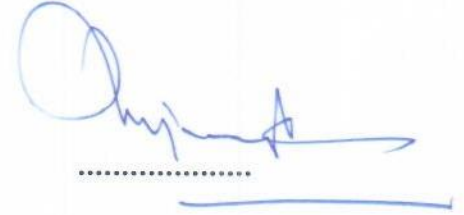
of the project and therefore, their rights cannot be adversely affected without their consent. The Authority had further ruled that vis-à-vis the assets of the project of which they are allottees, they shall have a superior right over everyone else. It was further observed that the allottees even in respect of the assets of the company other than the assets of project in question, shall be treated at par with the other financial creditors. The operative part of the order of this Authority in the said complaint is reproduced below:

“The directions issued in the foregoing Paras are summarized as follows:-

- (i) The allottees of the project in question shall be treated as deemed owners of the project. The promoters of the project and the lending financial institutions cannot alienate the ownership rights of the allottees at their own level without their consent. Therefore, the claim of the allottees against the assets of the project shall be treated superior to any other right of any other person or entity including the financial institutions and/or other creditors.
- (ii) If claims of the allottees are not satisfied fully from the assets of the project in question, they shall be treated creditors of the promoters at par with other creditors for satisfaction of their claims from the assets of the promoters other than the assets of the project in question.
- (iii) \*\*\*
- (iv) \*\*\*
- (v) The complainants and other similarly placed allottees may present these orders before any authority dealing with liquidation of assets of the Project, or the respondents and seek satisfaction of their claims on priority. It is, however made clear that the claims of the allottees shall be restricted to the refund of the money paid by them to the respondents along with interest as provided for in rule 15 of the HRERA Rules, 2017.”



7. Consequently, the complainant-allottees are held entitled to the same relief as are allowed by this Authority in complaint case no. 383 of 2018 and the present complaints are disposed of accordingly.



**RAJAN GUPTA**  
[CHAIRMAN]



**ANIL KUMAR PANWAR**  
[MEMBER]



**DILBAG SINGH SIHAG**  
[MEMBER]