



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

SUO MOTO COMPLAINT NO. 339 OF 2023

HRERA, Panchkula

....COMPLAINANT

VERSUS

Tulsi Ram Sharma

....RESPONDENT

**CORAM: Nadim Akhtar
Dr. Geeta Rathee Singh**

**Member
Member**

Date of Hearing: 12.09.2023

Hearing: 1st

Present: - Adv. Deepak, counsel for the respondent through VC

ORDER (NADIM AKHTAR - MEMBER)

1. An email was received from Haryana Real Estate Appellate Tribunal, Chandigarh on 13.01.2023 regarding refund of an amount of ₹5,18,861/-, deposited by the appellant-promoter with the Tribunal as pre-deposit in

Appeal No. 33 of 2021 titled as “*M/s ZNR Builders and Developers Pvt. Lts. Versus Tulsi Ram Sharma*” wherein, Haryana Real Estate Appellate Tribunal vide its order dated 05.01.2023 decided that:

“19. The amount of ₹5,18,861/- deposited by the appellant-promoter with this Tribunal as pre-deposit to comply with the provisions of proviso to Section 43(5) of the Act, along with interest accrued thereon, be sent to the Ld. Authority for disbursement to the respondent-allottee, excess amount may be remitted to the appellant, subject to tax liability, if any, as per law and rules.”

2. In compliance to the said email, captioned suo motu complaint was generated by the Authority in order to refund the amount to the respondent and subsequently, the case was listed for today.
3. However, later it came to the knowledge of the Authority that an execution complaint no. 726 of 2020 titled as “*Tulsi Ram Sharma versus M/s ZNR Builders and Developers Pvt. Ltd.*” is already pending for adjudication before Hon’ble Adjudicating officer of the Authority pertaining to the similar subject matter. Therefore, the present suo motu complaint deserves to be dismissed as the same will violate the principle of “sub judice”, if it is adjudicated which means that when a matter is already pending in one court, another court should not take up the same matter for adjudication.



4. In view of above, Authority decides to dispose of the above captioned **complaint as dismissed.**

Disposed of. File be consigned to the record room after uploading of the order on the website of the Authority.



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DR. GEETA RATHEE SINGH
[MEMBER]



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NADIM AKHTAR
[MEMBER]