



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

## COMPLAINT NO. 2735 OF 2022

Jarnail Singh

...COMPLAINANT

VERSUS

TDI Infrastructure Ltd.

....RESPONDENT

**CORAM:**

**Dr. Geeta Rathee Singh**  
**Chander Shekhar**

**Member**  
**Member**

**Date of Hearing:** 09.04.2024

**Hearing:** 5<sup>th</sup>

**Present:** Mr. Manoj Kumar, Id. Counsel for the complainant through VC.  
Mr. Shubhnit Hans, Id. Counsel for the respondent.

### ORDER:

1. This case was listed for hearing on 09.01.2024, however, due to reconstitution of benches, it is taken up today.
2. Present complaint bearing no. 2735 of 2022 has been filed by complainant 'Jarnail Singh' seeking the relief of refund of paid up amount along with

interest, from respondent company namely TDI Infrastructure Ltd. However, perusal of case file reveals that complainant had also previously filed a complaint bearing no. 263/2018 before this Authority and the same was decided by Hon'ble then Chairman of this Authority vide order dated 30.07.2018, copy of said order has been annexed as Annexure C-7 with complaint. However, being aggrieved against the order dated 30.07.2018 passed by the Authority, the complainant filed an appeal before the Haryana Real Estate Appellate Tribunal, Chandigarh i.e., Appeal no. 225/2019, and the same was remanded back to the Adjudicating Officer vide order dated 02.07.2019, copy of said order has been annexed as Annexure C-8 with complaint. In view of the then prevailing legal position vide which it was laid down that the Authority has no power to decide the case where the prayer of refund has been made, the case was remanded back with a direction to list the case before the Adjudicating Officer, however, the same was never listed before Adjudicating Officer.

3. Ld. Counsel for the complainant stated that the Hon'ble High Court of Punjab and Haryana decided the issue of jurisdiction of the Authority under the RERA Act and passed a landmark judgment dated 13.01.2022 in the case titled as Ramprastha Promoters And Developers Pvt. Ltd. vs. Union Of India And Ors, CWP 6688 of 2021, wherein it was laid down that the authority has the exclusive power to decide the issue of refund also. Hence,

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the present complaint is again filed before this Authority for similar relief of refund along with interest as filed in complaint no. 2735 of 2022.

4. In view of above, Authority observes that now the position of law has changed on account of verdict of Hon'ble Supreme Court dated 12.11.2021 in SLP Civil Appeal No. 6745-6749 titled as M/s. Newtech Promoters and Developers Pvt. Ltd. v. State of Uttar Pradesh & Ors. wherein it has been held that the regulatory authority has the exclusive jurisdiction to direct refunds to allottees, including interest on the refund amount, penalty, and interest thereon and the adjudicating officer also has the power to determine compensation.

*82. ....there is a complete delineation of the jurisdiction vested with the regulatory authority and the adjudicating officer. If there is any breach or violation of the provisions of Sections 12, 14, 18 and 19 of the Act by the promoter, such a complaint straightaway has to be filed before the regulatory authority. What is being referable to the adjudicating officer is for adjudging compensation, as reflected under Section 71 of the Act and accordingly rules and regulations have been framed by the authority for streamlining the complaints which are made by the aggrieved person either on account of violation of the provisions of Sections 12, 14, 18 and 19 or for adjudging compensation and there appears no question of any inconsistency being made, in the given circumstances, either by the regulatory authority or the adjudicating officer.*

The same ratio of law has also been concurred by the Hon'ble High Court of Punjab and Haryana in CWP No. 6688 of 2021 titled as Ramprastha Promoters and Developers Pvt. Ltd. v. Union of India and Ors. Accordingly, the Administrative Officer (Petitions) of the Authority is

*3*  
*Pattee*

directed to re-list the remand back case bearing complaint no. 263/2018 before the full bench of this Authority. Present complaint is hereby disposed of.

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



.....  
CHANDER SHEKHAR  
[MEMBER]



.....  
Dr. GEETA RATHEE SINGH  
[MEMBER]