



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 764 OF 2024

RWA Marvel City Residents Welfare Association,
Marvel CITY, Sect-1 Talwandi Rana, Hisar

....COMPLAINANT(S)

VERSUS

M/s Marvel Buildwell Pvt. Ltd.

...RESPONDENT

CORAM:	Nadim Akhtar	Member
	Dr. Geeta Rathee Singh	Member
	Sh. Chander Shekhar	Member

Date of Hearing: 22.08.2024

Hearing: 1st

Present: - Adv. Viren Sibal, Learned counsel for complainants through VC

Adv. Rujhan Dhawan, Learned counsel for respondent through VC

ORDER: (NADIM AKHTAR - MEMBER)

1. Adv. Viren Sibal, learned counsel for complainants briefly stated the cause for filing present complaint. He stated that respondent is unable to provide basic amenities such as clean drinking water, maintenance of

sewerage line, treatment plant, electricity etc. He apprised the Authority that they had made representation on CM window which was later on marked to District Town Planner, Hisar to take action against respondent. Thereafter site was inspected by Senior Town Planner Hisar and District Town Planner Hisar on 05.8.2021 and meeting of complainants and respondent was conducted, wherein respondent promised to revive all basic amenities within 7 days but till date respondent had failed miserably to comply with the promises. When issue was not resolved thereon. District Town Planner Hisar on the directions given in District Public Relation and grievance Committee vide letter dated 01.02.2023 had referred the complaint to this Authority.

2. To further understand the matter, Authority asked the counsel for complainant to refer to the particular Section of the RERA Act under which the present complaint is maintainable before Authority. To, this counsel for complainants stated that respondent by not providing basic amenities has failed to discharge his duties, therefore present complaint is maintainable since provisions of Real Estate Regulatory Authority are being violated by respondent since year 2021.
3. After hearing counsel for complainant, Authority observes that present complaint is not maintainable for two fold reasons. Firstly, reliefs sought by complainants do not come under purview of Section 18 of the RERA Act. Since Act provides for two relief only, i.e., possession along with



delay interest or refund of paid amount along with interest. Reliefs sought by complainants by no way of imagination come under these two categories. Secondly, relief claimed by complainants at page 11, i.e., “a” and “b” falls under the jurisdiction of Town and Country Planning Department since all the issue relates to the internal services or external service, provisions of which is to ensure by the Town and Country Planning Department being the licensing Authority. If respondent is violating the rules settled by said department, then complaint for violation itself comes under purview of concerned department only. Lastly, it is pertinent to mention that project in question is an unregistered project and no information of the same is available with the Authority. The website of Town and Country Planning Department, Haryana has been got checked by the Authority which reveals that no occupation certificate or completion certificate has been granted to this project by the said department.

4. Authority deems appropriate to direct project branch of Authority to initiate *Suo moto* complaint against respondent promoter for non-registration of the project in question and not fulfilling the promises made to the allottees, if any.
5. As regards relief no “d” and “e”, it is observed that Hon'ble Supreme Court of India in Civil Appeal Nos. 6745-6749 of 2027 titled as “*M/s Newtech Promoters and Developers Pvt. Ltd. V/s State of U.P. & Ors.*”




(supra), has held that an allottee is entitled to claim compensation & litigation charges under Sections 12, 14, 18 and Section 19 which is to be decided by the learned Adjudicating Officer as per section 71 and the quantum of compensation & litigation expense shall be adjudged by the learned Adjudicating Officer having due regard to the factors mentioned in Section 72. The adjudicating officer has exclusive jurisdiction to deal with the complaints in respect of compensation & legal expenses. Therefore, the complainant is advised to approach the Adjudicating Officer for seeking the relief of litigation expenses.

6. Since reliefs claimed by the complainants are not within jurisdiction of the Authority, therefore, present complaint is not maintainable. Accordingly, present complaint is **disposed off**.

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


.....
CHANDER SHEKHAR
[MEMBER]


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DR. GEETA RATHEE SINGH
[MEMBER]


.....
NADIM AKHTAR
[MEMBER]