



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

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 | | 22 |
|--------------------------------|---|-----------|
| Day and Date | Tuesday and 07.01.2025 | |
| Complaint No. | MA NO. 960/2024 in CR/1617/2018 Case titled as Pooja Bhalla VS Cosmos Infra Engineering India Limited | |
| Complainant | Pooja Bhalla | |
| Represented through | Ms. Saniya Arora Advocate | |
| Respondent | Cosmos Infra Engineering India Limited | |
| Respondent Represented through | Ms. Shruti Manchanda Advocate | |
| Last date of hearing | Appl. of revival and withdrawal | |
| Proceeding Recorded by | Naresh Kumari and HR Mehta | |

Proceedings-cum-order

The present complaint was filed on 01.11.2018 and reply on behalf of respondent was received on 23.08.2021, and the same was disposed off vide a detailed order dated 30.08.2022, while observing as under: -

35(i) The respondent/promoter is directed to refund the amount of Rs.55,90,340/- received by it from the complainant along with interest at the rate of 10% p.a. prescribed under the rule 15 of the Haryana Real Estate (Regulation and Development) Rules 2017 from the date of each payment till the actual date of refund of the deposited amount.

(ii) A period of 90 days is given to the respondent to comply with the orders of the Authority and failing which legal consequences would follow.

Now, a joint application dated 26.11.2024 has been filed by both the parties to revive the complaint and record compromise between the parties as per the settlement agreement deed dated 14.11.2024 and recall all coercive orders against the respondent including the order dated 30.08.2022.

Although the provisions of CPC do not strictly apply to the procedures adopted by the Authority under the provisions of the Real Estate (Regulation and



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MANO 960/224 IN CR/10/9/2018

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

Development) Act, 2016, unless expressly provided, it would be relevant to reproduce the provisions under Order XXIII Rule 3 of CPC

*3. **Compromise of suit.**—Where it is proved to the satisfaction of the Court that a suit has been adjusted wholly or in part by any lawful agreement or compromise 1 [in writing and signed by the parties] or where the defendant satisfied the plaintiff in respect to the whole or any part of the subject-matter of the suit, the Court shall order such agreement, compromise or satisfaction to be recorded, and shall pass a decree in accordance therewith 2 [so far as it relates to the parties to the suit, whether or not the subjectmatter of the agreement, compromise or satisfaction is the same as the subject-matter of the suit:] 1 [Provided that where it is alleged by one party and denied by the other that an adjustment or satisfaction has been arrived at, the Court shall decide the question; but not adjournment shall be granted for the purpose of deciding the question, unless the Court, for reasons to be recorded, thinks fit to grant such adjournment.]*

Once an order has been pronounced and the matter disposed of, no suit/complaint survives. In the present matter, the Authority has passed a detailed order way back on 30.08.2022 and disposed of the matter which has been consigned to record. At this stage, there is no justification for 'reviving' the complaint.

The case stands decided and disposed off in terms of order dated 30.08.2022. The application filed by the parties is not maintainable at this stage and the same is hereby dismissed. File be consigned to the registry.


Ashok Sangwan
Member


Arun Kumar
Chairman
07.01.2025