



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. टी. विभाग गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		27
Day and Date	Tuesday and 07.01.2025	
Complaint No.	CR/4644/2022 Case titled as Univer Solution Private Limited Vs Ish Realtors Private Limited	
Complainant	1. Univer Solution Private Limited 2. Mr. Amit Kumar	
Represented through	Sh. Harsh Jaidka Advocate	
Respondent	1. Ish Realtors Private Limited 2. Mr. Naveen Gambhir 3. Mr. Vivek Arora 4. Mr. Prasanta Arora 5. M/s Solutrean Building Technologies Limited 6. Mr. Sandeep Sahani 7. Mr. Divyansh Sahni 8. Mr. Raman Kumar 9. Mr. Bhavya Sahni 10. Mr. Ajay Singh 11. Mr. Hemant Kumar 12. Mr. Jitender Janghu 13. Mr. Sat Narayan 14. Mr. Sudesh Kumar 15. Sh. Sunil Kumar 16. M/s Anjum Estate Private Limited 17. Shri Amit Yadav, Director 18. Shri Mahesh Yadav	
Respondent Represented through	Sh. Shanker Wig and Ms. Saniya Arora Advocates	
Last date of hearing	08.10.2024	
Proceeding Recorded by	Naresh Kumari and HR Mehta	



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

Proceedings-cum-order

The complainants filed a complaint on 27.06.2022 before the Authority bearing case No. RERA-GRG-4644-2022 titles as "M/s Univer Solution Private Limited vs. M/s. ISH Realtors Pvt. Ltd. & others.

In the said case, Sh. Amit Yadav i.e., respondent no. 17 appeared as director of respondent No. 1 and entered into a 'Settlement Agreement' Dated. 13.10.2022 with complainants, in which he agreed to pay sum of Rs. 3 Crore in total to complainants. Settlement agreement Dated. 13.10.2022 was submitted in RERA and on basis of the same, vide order Dated. 15.11.2022 was disposed of.

The respondent no. 17 issued cheques which were to be encashed on the due date, but some of the cheques from the above were returned as Bank account of respondent was frozen by the Authority. By this time respondent have made payment of Rs. 50 Lakh in total to complainant through RTGS.

On the last date of hearing dated 08.10.2024, the counsel for the respondent stated that he shall submit an affidavit within a period of 2 days w.r.t. payment plan.

The respondent has filed an affidavit on 05.11.2024, and the content of the same are reproduced below:

- *That I am the Director of the Respondent Company namely M/s Ish Realtors Pvt. Ltd. registered under the company Act having its registered office at H.no.86, New Delhi-110043 and am well aware and conversant with the facts of the proceedings before the Authority.*
- *That I do hereby state that the complainant has filed parallel proceedings under the Negotiable Instrument Act against the dependent in the court of Smt. Sonia, Judicial Magistrate First Class, Gurugram bearing case number NACT 104024/2023 and the next date of hearing of the said case is 15 April 2025.*
- *That the deponent states that the amount of Rs. 90,00,000/- has already been paid by the respondent company and the balance amount shall only be paid after the disposal of the criminal case filed by the complainant against the disposal of the criminal case filed by the complainant against the respondent company in the District and Session court, at Gurugram.*



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Heard.

The Authority observes that a complaint was filed with regard to the above matter vide **CR. No. 4644 of 2022 titled as Univer Solutions Private Limited VS ISH Realtors Private Limited**. The case was decided by the Authority vide order dated 15.11.2022 and the relevant proceeding in this regard are reproduced as under:

"The counsel for the complainant has moved an application dated 31.10.2022, for withdrawal of the complaint on the ground that the matter has been settled between the parties amicably and a settlement agreement dated 13.10.2022 to this effect has been placed on record duly signed by both the parties.

In view of the settlement agreement executed inter se both the parties, the present complaint stands disposed of. File be consigned to the registry."

In view of the above as the complaint has already been disposed of by the Authority, it is for the parties to proceed as per the settlement agreement dated 13.10.2022, which is recorded as part of the order. The Authority is of the view that the complaint cannot be re-opened or revived at this stage. Moreover, the complainants have already proceeded against the respondent for appropriate remedy in the court of competent jurisdiction. Therefore, no further proceedings lie before the Authority. Accordingly, the complaint is dismissed being not maintainable. File be consigned to the registry.


Ashok Sangwan
Member


Arun Kumar
Chairman
07.01.2025