

PROCEEDINGS OF THE DAY		50
Day and Date	Wednesday and 23.04.2025	
Complaint No.	MA NO. 217/2025 in CR/3235/2021 Case titled as RAJENDRA MITTAL VS COSMOS INFRA ENGINEERING INDIA PVT LTD	
Complainant	RAJENDRA MITTAL	
Represented through	None	
Respondent	COSMOS INFRA ENGINEERING INDIA PVT LTD	
Respondent Represented through	Ms. Shivani Tandon Advocate	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

The above mentioned matter was heard and disposed of vide order dated **10.05.2023**. In the order dated 10.05.2023, the Authority had directed the respondent i.e., M/s. Cosmos Infra Engineering (India) Pvt. Ltd. to refund the amount of Rs.51,43,400/- along with interest.

A joint application has been filed by the respondent-promoter under Section 37 and 39 of the Act, 2016 for rectification in the order dated 10.05.2023 stating that during the pendency of the complaint, on 25.01.2022, the allottees of the project "Cosmos Express 99" filed an application under Section 7 Of the IBC 2016 (IBC) bearing no. 462 (PB)/2022 titled as "Girish Luthra and Ors. Versus Cosmos infra Engineering (India) private Limited" before the NCLT, Delhi against the respondent. That consequent to the orders passed by the NCLT, the respondent placed two comprehensive proposal cum plans with respect to the project's completion and handover of the units with the timelines. Both the proposals were put before the allottees to vote in the meetings convened on 29.10.2023 and 31.10.2023. Plan-A received the majority of the votes of the allottees totaling 78.48 % and vide order dated 23.01.2024, NCLT gave its assent to the said Plan-A. As Plan-A was approved



HARERA
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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 लाईन्स, गुरुग्राम, हरियाणा

by the majority of the allottees, the complainant was also bound by the said plan-A.

That the complainant approached the respondent and shown interest in taking possession of the unit and to forego, waive not to exercise the order dated 10.05.2023 passed by the Authority. The complainants and the respondent have settled the matter between themselves and signed a Settlement Agreement dated 04.03.2025. The respondent via the present application has sought following relief(s):-

- (i) Revive the complaint to pass the appropriate orders.
- (ii) Take on record the Settlement Agreement dated 04.03.2025.
- (iii) Record the compromise between the parties as per the Settlement Agreement dated 04.03.2025 and dispose of the present matter in terms of Settlement Agreement.
- (iv) Recall all the coercive orders against the respondent as per order dated 10.05.2023.

The parties have jointly submitted an application under Section-37 and 39 of the Act, 2016 for recall of the order dated 10.05.2023 on the ground that the matter has been settled between the parties in terms of a Settlement Agreement dated 04.03.2025 with reference to the approved plan-A and orders passed by the Ld. NCLT in CP (IB) No. 462 (PB)/2022.

The Authority observes that there is no provision to recall/revive an order passed by the Authority under Section 37/39 of the Act, 2016. However, as the parties have amicably resolved their differences and have come to an agreement, no further cause would lie for execution of the orders passed by the Authority in this regard. In all fairness and with a view to end further unnecessary litigation in the matter, the contention of the parties submitted vide joint application dated 13.03.2025 is taken on record with the observation that further proceedings with respect to execution of the said order dated 10.05.2023 would cease.

File be consigned to registry.

Ashok Sangwan
Member
23.04.2025