



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 213 OF 2025

The Marvel Resident Welfare Association

.....COMPLAINANT

Versus

Marvel Buildwell Pvt Ltd

.....RESPONDENT

CORAM:

Parneet S Sachdev

Chairman

Nadim Akhtar

Member

Dr. Geeta Rathee Singh

Member

Chander Shekhar

Member

Date of Hearing: 03.04.2025

Hearing: 1st

Present:

Mr. Himanshu Jain, Counsel for the complainant.

Mr. Rujhan Dhawan, Counsel for the respondent through VC.

ORDER (PARNEET S. SACHDEV-CHAIRMAN)

1. As per office record, notice dated 19.02.2025 was issued to respondent. Same got delivered successfully to the respondent on 20.02.2025. However, reply has not been filed by respondent till date.

2. Today, Id. counsel for respondent has stated that he has filed his memo of appearance in registry today itself. Same be taken on record. Further, he argued that complaint is not maintainable as complaint on same grounds and with reliefs bearing no. 764/2024 titled as 'RWA Marvel City resident welfare association vs M/s Marvel Buildwell Pvt Ltd' has already been dismissed by the Authority vide its order dated 22.08.2024.
3. In rebuttal, Id. counsel for complainant stated that Authority while adjudicating complaint no. 764/2024 had taken cognizance of fact that project-Marvel City, located at Secor-1, Talwandi Rana, Hisar is an unregistered project. For said issue, suo motu complaint no. 1738/2024 was initiated against Marvel Buildwell Pvt Ltd. And during course of hearing of said suo motu complaint on 18.12.2024 Authority had granted liberty to complainants to avail remedy for remaining grievances. Accordingly, present complaint has been filed.
4. Perusal of record reveals that present complaint has been filed against respondent for issue of basic amenities such as clean and safe drinking water, working sewerage line and STP, electricity individual connection from DHBVN, CCTV surveillance, Community center, waiving off maintenance charges, EWS flats boundary wall etc.
5. It is pertinent to mention here issues raised before this Authority in present complaint has already been adjudicated by the Authority vide order



dated 22.08.2024 in complaint no. 764/2024. Order dated 22.08.2024 is reproduced below for ready reference:-

“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.

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.

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.

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.

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.

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."


6. Now, it is relevant to reproduce the relevant content of order dated 18.12.2024 passed in suo motu complaint no. 1738/2024 which is as follows:-

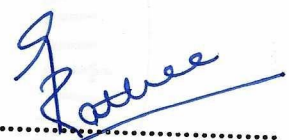
"Per contra Sh. Mahavir Prasad appeared on behalf of association of allottees and reiterated the issues of lack of basic amenities such as clean drinking water, maintenance of sewerage line, treatment plant, electricity etc.


Further, as regards the contention of president, RWA the Authority observes that the issues have already been adjudicated while disposing of the complaint no. 764 of 2024 by the Authority on 22.08.2024. Further, if the complainants have any other grievance, they may avail remedy available as per law."



7. Record reveals that present complaint has been filed seeking similar reliefs as of complaint no. 764/2024 on the same issue, i.e. basic amenities. At this stage, a query was raised to ld. counsel for complainant as to how present complaint is maintainable in such scenario? He could not present convincing arguments on maintainability of complaint. In these circumstances, the 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]


DR. GEETA RATHEE SINGH
[MEMBER]


NADIM AKHTAR
[MEMBER]


PARNEET S. SACHDEV
[CHAIRMAN]