

PROCEEDINGS OF THE DAY		81
Day and Date	Thursday and 24.04.2025	
Complaint No.	CR/3928/2023 Case titled as Harsh Gandhi VS Unitech Limited and Ors.	
Complainant	Harsh Gandhi	
Represented through	Shri Sukhbir Yadav, Advocate	
Respondent	Unitech Limited and Ors.	
Respondent Represented through	None	
Last date of hearing	23.01.2025	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
<p style="text-align: center;">Proceedings-cum-order</p> <p>The present complaint has been filed by the complainant seeking relief against the respondent for handover of physical possession of the allotted unit along with payment of assured returns in terms of the MoU dated 08.08.2011 executed by the respondent.</p> <p>Case has been called out, but none appeared on behalf of the respondent. It is also noted that despite several opportunities granted on previous dates, the respondent has failed to file reply.</p> <p>Upon perusal of the facts pertaining to the promoter i.e. M/s. Unitech Ltd, the Authority observes that that the Hon'ble Supreme Court has passed an order on 20.01.2020 in Civil Appeal No. 10856/2016 titled as Bhupinder Singh Vs. Unitech Ltd. Vide ibid order the Hon'ble Apex Court has constituted a new Board of Directors as proposed by the Union Govt. and it has been directed by</p>		



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

CA/3928/2023


the Apex Court that there shall be a 'moratorium' in cases pertaining to M/s Unitech Limited and its subsidiaries. Direction no. (vii) of ibid order is relevant and is reproduced herein for ready reference:

"(vii) Pending further orders of this Court, there shall be a moratorium against the institution of proceedings against Unitech Limited and its subsidiaries. The moratorium shall also extend to existing proceedings against the company as well as the enforcement of orders that may have been passed against the company"

Subsequently, the Hon'ble Supreme Court has passed an order on **16.01.2025** in said **Civil Appeal No. 10856/2016** titled as **Bhupinder Singh Vs. Unitech Ltd.** wherein the Hon'ble Supreme Court, vide its directions, has explicitly directed that all ongoing projects of Unitech Ltd. shall remain exempt from the requirement of registration under the Real Estate (Regulation and Development) Act, 2016, until further orders:

21. Having regard to the fact that the ongoing Unitech projects are being monitored by this Court and are being executed by the Government appointed Board of Directors, which is further being advised by a former Judge of this Court appointed under the order of this Court, and also that the periodical reports with regard to the completion of the projects will be submitted before us, we find it in the interest of justice to dispense with some of the procedural requirements in order to facilitate the release or advancement of house loans to the home-buyers of different Unitech projects. We, accordingly, direct that all the ongoing projects of Unitech shall remain exempted from registration under RERA till further orders.

Accordingly, in view of the above direction of the Hon'ble Apex Court the present complaint is not maintainable before this Authority and thus the same is hereby dismissed.


Vijay Kumar Goyal
Member
24.04.2025