



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 1222 OF 2020

HRERA Panchkula

....COMPLAINANT

VERSUS

Abhay Kumar and another

....RESPONDENTS

2. COMPLAINT NO. 1223 OF 2020

HRERA Panchkula

....COMPLAINANT

VERSUS

Philip James and another

....RESPONDENTS

CORAM:

**Parneet Singh Sachdev
Nadim Akhtar
Dr. Geeta Rathee Singh
Chander Shekhar**

**Chairman
Member
Member
Member**

Date of Hearing: 22.05.2025

Hearing: 17th (in both cases)

Present: - Mr. Hemant Saini, ld. counsel for the respondent in both cases through VC.

ORDER (PARNEET S SACHDEV – CHAIRMAN)

1. On the previous date of hearing, Adv. Himanshu Monga, appearing as proxy counsel for Adv. Hemant Saini on behalf of the respondent-promoter company, Avalon Projects, apprised the Authority that an application had been filed before the Hon'ble Appellate Tribunal seeking clarification regarding the appropriate party to whom the disbursal amount was to be allocated. He further submitted that the said application was listed for hearing before the Hon'ble Appellate Tribunal on 18.11.2024. In light of this, the counsel requested additional time to provide the necessary clarifications. The Authority, considering the request, directed the respondent to submit a detailed application before the Authority containing the contents of the application filed before the Hon'ble Appellate Tribunal, along with a copy of the same.
2. Today, Adv. Hemant Saini submitted that the respondent company, Avalon Projects and others, is presently undergoing Corporate Insolvency Resolution Process (CIRP) under the Insolvency and Bankruptcy Code, 2016. A moratorium has been imposed in terms of Section 14 of the said Code pursuant to the order passed by the Hon'ble National Company Law Tribunal (NCLT).
3. Authority has taken note of the fact that in the captioned matters bearing complaint no. 1222/2020 (original complaint no. 524/2018) and complaint no. 1223/2020 (original complaint no. 572/2018), this Authority had directed the



respondent-promoter to pay delayed possession charges along with interest for the delay.

4. Subsequently, the respondent-promoter preferred an appeal before the Hon'ble Appellate Tribunal. However, the appellant/promoter deposited only part of the amount required as pre-deposit at the initial stage of the appeal, instead of depositing the entire amount payable to the allottee. An application was then moved by the appellants seeking waiver of the condition of pre-deposit, which was dismissed by the Hon'ble Tribunal vide order dated 29.07.2019. Consequently, the appeal filed by the appellants/promoter was dismissed vide order dated 29.08.2019 with the following directions:

"The amount deposited by the appellants/promoter with this Tribunal be transferred to the account of the learned Real Estate Regulatory Authority, Panchkula. Copy of this order be communicated to the Learned Real Estate Regulatory Authority, Panchkula."

5. It is pertinent to note that the Hon'ble Appellate Tribunal did not set aside the original orders of this Authority. Accordingly, the orders passed in complaint no. 524/2018 and 572/2018 attained finality and remain binding as they are.
6. In compliance with the directions of the Hon'ble Appellate Tribunal, the amount deposited by the appellant/promoter was received by this Authority for disbursal in terms of the original order dated 14.11.2018, being a part of the delayed possession charges and interest.



7. However, the respondent-promoter is presently undergoing CIRP under the Insolvency and Bankruptcy Code, 2016, and that a moratorium has been imposed under Section 14 of the said Code pursuant to the order passed by the Hon'ble NCLT dated 10.05.2024 in case IB-144(ND)/2024, the relevant portion of which is reproduced below for reference:

"The Application bearing IB-144/ND/2024 filed by the Applicant under Section 9 of the Code read with Rule 6 of the Adjudicating Authority Rules for initiating CIRP against the Respondent is admitted.

*b) We also **declare a moratorium** in terms of Section 14 of the Code. The necessary consequences of imposing the moratorium flows from the provisions of Section 14(1)(a), (b), (c) & (d) of the Code."*

8. Authority is of the considered view that, at present, in view of the moratorium imposed by the Hon'ble NCLT, the amount to be disbursed to the complainant-allottee remains undetermined and is subject to the outcome of the proceedings before the Hon'ble NCLT. Accordingly, Authority decides to retain the amount with itself until such time as the Hon'ble NCLT passes a specific order determining the disbursal of the said amount, if any, to the complainant-allottee. As and when the order of the Hon'ble NCLT is received, Authority shall take appropriate action for the disbursal of the amount to the complainant-allottee in accordance with the directions passed therein.



9. The office is directed to send a copy of this order to the Hon'ble National Company Law Tribunal (NCLT), Hon'ble Appellate Tribunal, the respondent-promoter company, and the complainant-allottee.
10. In view of the above, case stands **disposed of**. File be consigned to the record room after uploading the order on the website.


CHANDER SHEKHAR
[MEMBER]


DR. GEETA RATHEE SINGH
[MEMBER]


NADIM AKHTAR
[MEMBER]


PARNEET SINGH SACHDEV
[CHAIRMAN]