



**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

PROCEEDINGS OF THE DAY		72
Day and Date	Tuesday and 13.05.2025	
Complaint No.	MA NO. 216/2025 in CR/5576/2019 Case titled as Capt. Pramod Kumar Sharma VS Cosmos Infra Engineering India Limited	
Complainant	Capt. Pramod Kumar Sharma	
Represented through	Shri Ashwariya Jain, proxy counsel	
Respondent	Cosmos Infra Engineering India Limited	
Respondent Represented through	Ms Shivani Tandon, proxy counsel	
Last date of hearing	Application u/s 39 of the Act	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

#### Proceedings-cum-order

The present complaint was filed on 15.11.2019 and reply on behalf of respondent was received on 24.03.2022, and the same was disposed off vide a detailed order dated 30.08.2022, while observing as under: -

- 29(i) *The respondent/promoter is directed to refund the amount of Rs.66,51,820/- received by it from the complainant along with interest at the rate of 10% p.a. prescribed under the rule 15 of the Haryana Real Estate (Regulation and Development) Rules 2017 from the date of each payment till the actual date of refund of the deposited amount.*
- (ii) *A period of 90 days is given to the respondent to comply with the orders of the Authority and failing which legal consequences would follow.*

Now, a joint application dated 19.03.2025, has been filed by the respondent-promoter under Section 37 and 39 of the Act, 2016 read with order XXIII rule 3 and section 151 of the Code of Civil Procedure, 1908 in the order dated 30.08.2022 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 company. 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 by the majority of the allottees, the complainant was also



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

MANO 28/2025 IN CA/556/2019

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 30.08.2022 passed by the Authority. The complainant and the respondent have settled the matter between themselves and signed a Settlement Agreement dated 28.02.2025. 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 28.02.2025.
- (iii) Record the compromise between the parties as per the settlement agreement dated 28.02.2025 and dispose of the present matter in terms of settlement agreement.
- (iv) Recall all the coercive orders against the respondent as per order dated 30.08.2022.

The parties have jointly submitted an application under sections, 37 and 39 of the Act, 2016 for recall of the order dated 30.08.2022 on the ground that the matter has been settled between the parties in terms of a Settlement Agreement dated 28.02.2025 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 19.03.2025 is taken on record with the observation that further proceedings with respect to execution of the said order dated 30.08.2022 would cease.

File be consigned to registry

Ashok Sangwan  
Member

V. I. 3  
Vijay Kumar Goyal  
Member

Arun Kumar  
Chairman  
13.05.2025