



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

BEFORE THE ADJUDICATING OFFICER

Complaint No. 576 of 2024

Sakshi Jain and Rajat Gupta

.....Complainants

VERSUS

Vatika Ltd.

.....Respondent

Date of Hearing:- 30.10.2025

Hearing:- 5th

Present:- Ms. Shreya Jain, Adv., for the complainant through VC.
Ms. Shubhangi, Adv., proxy for Ms. Vertika Singh, Adv., for the respondent through VC.

ORDER

Today, the case is for answering the query raised by this Forum vide order dated 08.07.2025, as to how an application requesting to proceed under Section 63 of RE(RD) 2016, for not complying with order dated 09.02.2023 passed by the Authority, is maintainable before Adjudicating Officer whose domain is restricted to Section 71 of RE(RD) read with Rule 29 of HRERA Rules, 2017, until

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and unless has delegated powers under Section 81 of Act, 2016 from the Hon'ble Authority to exercise its power in the manner delegated except formation of Regulations.

2. Learned counsel for the complainant in the application requesting withdrawal of the complaint while referring to provisions of Order XXIII Rule 1(3) of the Code of Civil Procedure read with Section 151 of Code of Civil Procedure, has prayed for withdrawal of present complaint with liberty to institute the complaint on the same cause of action under Section 63 of RE(RD) Act, 2016, before the Hon'ble Authority at Panckula.

3. Heard.

4. Since, the order dated 08.07.2025 is self speaking with regard to non-maintainability of a complaint seeking initiation of penal action under Section 63 of RE(RD) Act, 2016 against the respondent, which is the sole prerogative is of the RERA Authority at Panchkula as its order dated 09.02.2023 is allegedly violated and Section 63 of RE(RD) Act, 2016 do not confer such power to be exercised by the Adjudicating Officer, this Forum has no option but to allow withdrawal of the present complaint. As far as the request to file afresh on the same cause of action is concerned, it is apt to note here that Section 63 of RE(RD) Act, 2016, speaks about penalty for failure to comply with order of the Authority by the promoter but is silent whether violation of orders passed in pending proceedings

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attracts penalty, or, that even after disposal of the complaint by the Authority, order(s) passed by it prior to disposal of complaint before it would also attract the provision of Section 63 of RE(RD) Act, 2016 against the promoter, if there is failure to comply with such order(s). In the given circumstances, it being a welfare oriented statute, this Forum deem it appropriate to allow the complainant to move required application before the Hon'ble Authority at Panchkula under Section 63 of RE(RD) Act, 2016, if there is no legal bar to do the same, to get the relief prayed for, if has merit therein.

5. With above observations, the present complaint is disposed off with liberty to file afresh before the competent Forum, if otherwise there is no legal bar to do the same.

6. File be consigned to record room after uploading the order on the website of the Authority.

Indu Yadav
Law Associate


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MAJOR PHALIT SHARMA
ADSJ(Retd.)
ADJUDICATING OFFICER
30.10.2025