



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO.1126 of 2025

SubhashSoni

....COMPLAINANT

VERSUS

Aarcity BuildersPvt. Ltd.

....RESPONDENT

CORAM:

Parneet S Sachdev

Chairman

NadimAkhtar

Member

Dr. GeetaRathee Singh

Member

ChanderShekhar

Member

Date of Hearing:16.10.2025

Hearing: 1st

Present: -Mr. Anurag Jain, counsel for complainant.

Ms. Navneet, Counsel for the respondent

ORDER (PARNEET SINGH SACHDEV - CHAIRMAN)

1. As per office record, notice issued to the respondent on 04.08.2025 was successfully delivered to respondent on 11.08.2025.
2. Today, Ms. Navneet, learned counsel, appeared on behalf of the respondent and submitted that the complainant has filed the present complaint seeking the same relief of possession which already stands

adjudicated by the Authority in Complaint No. 2665 of 2019, vide order dated 31.05.2022. Hence, the present complaint is barred by the principle of res judicata and is therefore liable to be dismissed.

3. Mr. Anurag Jain, learned counsel for the complainant, fairly admitted that the grievance regarding possession had already been adjudicated by the Authority in Complaint No. 2665 of 2019, vide order dated 31.05.2022. However, he submitted that the respondent has failed to comply with the said order and has instead cancelled the complainant's allotment vide letter dated 09.06.2025. The complainant has, therefore, approached this Authority by way of the present complaint seeking to set aside the said cancellation.
4. During the course of hearing, learned counsel for the complainant was called upon to explain the maintainability of the present complaint before the Authority, especially when the main grievance regarding possession had already been decided in Complaint No. 2665 of 2019, except for the relief concerning the subsequent cancellation letter dated 09.06.2025, which is a later event arising after the passing of the original order dated 31.05.2022.
5. In response, ld. counsel for the complainant submitted that despite the order of the Authority, the respondent had neither handed over possession of the allotted unit nor complied with the directions, and instead, by

cancelling the allotment, has caused further grievance to the complainant. Aggrieved by such action, the present complaint has been filed.

6. On perusal of file, it is observed that complainant has sought following reliefs:

- i. To set aside the cancellation letter dated 09.06.2025(Annexure C-11) by virtue of which the allotment of flat no. 0703, Tower A, Regency Park Project, Hisar has been cancelled and to restore the said allotment and consequently to deliver possession of the said apartment, after obtaining the occupancy certificate from the competent Authority for Tower A. Alternatively, may give offer of possession of another flat.
- ii. Direct the respondent to pay interest at the rate of 10.5% which is prescribed under Rule 15 of RERA Rules i.e. @ highest marginal cost of landing rate prescribed by State Bank of India plus 2%, for every month of delay, till the physical delivery of the possession of flat in question, to the complainant on the amount paid towards the sale consideration of the flat.
- iii. To impose penalty upon the respondent for causing harassment and agony as envisaged under the Act and Rules, from the respondent.
- iv. Respondent at this stage be restrained from recovering ₹ 1,50,000/- towards covered car parking charges and ₹ 25,000/-



towards club membership charges, as the construction of the said car parking and building has not yet commenced.

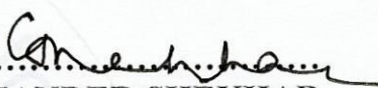
- v. Any other relief which this Hon'ble Authority deems fit, be granted in favour of the complainant and against the respondents.

7. In these circumstances, Authority is of the considered view that the principal issue pertaining to possession of the unit has already been adjudicated by this Authority in Complaint No. 2665 of 2019, vide order dated 31.05.2022. The alleged cancellation of allotment vide letter dated 09.06.2025 is an event that occurred subsequent to the passing of the said order, and thus, the appropriate remedy for the complainant would be to seek execution of the earlier order, where such subsequent developments can be duly addressed in accordance with law.
8. In light of the above, the Authority deems fit to conclude that the present complaint is not maintainable, as the issue of possession already stands adjudicated. The correct course of action for the complainant would be to file an execution application for enforcement of the order dated 31.05.2022 as per law.
9. Subsequently, during the hearing, learned counsel for the complainant requested that instead of dismissal, he may be permitted to withdraw the present complaint with liberty to file execution of the order dated 31.05.2022.

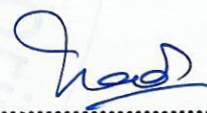


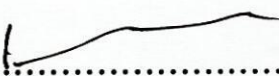
10. Considering the request of learned counsel for the complainant, and on his statement recorded to this effect, the complainant is allowed to withdraw the present complaint with liberty to file execution proceedings for the order dated 31.05.2022, as per law.

Accordingly, the present complaint stands disposed of as **withdrawn**. 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]