HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

BEFORE ADJUDICATING OFFICER

COMPLAINT NO. 2004 OF 2024

Naveen Kumar ....COMPLAINANT

VERSUS

Reheja Developers Ltd. ....RESPONDENT

Date of Hearing: 22.01.2026

Hearing: 6th

Present: Ms. Sitanshu Sharma, Adv., for the complainant through VC.

Respondent already Ex-parte vide order dated 11.02.2025.
Ms. Manika, Adv., for the judgment debtor through VC.

ORDER

Today, case is fixed for getting information regarding imposition of moratorium and its impact on present proceedings and for filing reply to application of the respondent for setting aside ex-parte order dated 11.02.2025, by the complainant.

2. Ms. Manika, Advocate, has appeared and informed this Forum that she is not submitting any memo of appearance or power of attorney on behalf of the respondent, as moratorium under Section 14 of the Insolvency and Bankruptcy Code, 2016, (hereinafter referred as IBC), has been declared vide order dated

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21.08.2025 in Company Petition No. (IB) 284 of 2025 titled as "Shravan Minocha and Ors. v. M/s. Raheja Developers Ltd.," by Hon'ble National Company Law Tribunal, New Delhi, Court-IV. It is also informed that because of declaration of moratorium qua the respondent, a corporate entity, as per provisions of Section 14(1)(a), (b), (c) and (d) of the Code, 2016, there is prohibition for "the institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, Adjudicating Authority, arbitration panel or other authority". Hence, requested that the present proceedings cannot be proceeded with till the completion of the CIRP i.e. Corporate Insolvency Resolution Process, hence, be adjourned sine die.

3. The perusal of order dated 21.08.2025 of the Hon'ble NCLT, New Delhi, so sent through mail, indicates that application under Section 7 of the IBC has been admitted with an order therein to initiate CIRP against the corporate debtor i.e. M/s. Raheja Developers Ltd., which is the respondent in the case in hand. It is also evident from the order dated 21.08.2025 that prima facie the present proceeding cannot be proceeded with because of the bar provided under Section 14 of the Code, 2016 and it is the IRP appointed to do the needful further in accordance with law, if could grant compensation. It is further evident that the present CP no. (IB) 284 of 2025 stands admitted vide order dated 21.08.2025. With these facts on record, it would be against the spirit of Section 14 of the Code, 2016

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and the law on the subject to proceed with present complaint for compensation against the respondent company any more, more so when there is no provision to keep such complaint pending till CIRP proceedings culminate as no period could be laid for the same. It is apt to note here from academic point of view that a complaint for compensation under the Act, 2016, is an additional relief, which could only be granted as per the legal provisions of special statute i.e. The Act,2016 and the Rules 2017, and not by IRP. It is further apt to note here that even to curtail the multiplicity of litigation where moratorium has been declared, Hon'ble Apex Court in Civil Appeal no.7667 of 2021 titled as "Sundaresh Bhatt, Liquidator of ADG Shipyard v/s Central Board of Indirect Taxes and Customs" vide order dated 26.08.2022, has observed that "issuance of moratorium is mandate to declare a moratorium on continuation or initiation of any coercive legal action against the Corporate Debtor". These findings of prohibition of bar of complaint against respondent a corporate entity, of this Forum are open to correction in view of law settled by Hon'ble Apex Court in P. Mohanraj & Ors. v/s M/s Shah Brother Ispat Pvt. Ltd., (2021) 6 SCC 258 and Anjali Rathi & Others v/s Today Homes and Infrastructure Pvt. Ltd.(2021)SCC Online SC 729, if finally facts of the case under consideration demands.

4. Learned counsel for the complainant has submitted that's he is aware about the moratorium proceedings, hence, the complainant be permitted to raise its

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claim before the appropriate Forum deputed under the order dated 21.08.2025 of Hon'ble NCLT, at New Delhi, if so legally permitted, as to decide quantum of compensation under the RE(RD) Act, 2016, it is the sole prerogative of the Adjudication Officer and not of the IRP. She further requested to grant the liberty to the complainant, to re-approach this Forum, if request for compensation is not entertained by IRP.

5. Heard.

6. Since, admittedly there is moratorium, thus, bar under section 14 of the Code,2016, to proceed further with any legal proceedings including this claim for compensation under section 71 of the RE(RD) Act,2016, against the present respondent, i.e., corporate entity, the present complainant for compensation stands **disposed of** as it cannot be proceeded. However, a liberty is given to the complainant to approach the appropriate forum proceeding with such claims under the orders of Hon'ble NCLT, New Delhi, to get the relief prayed for, provided it could. Consequently, the present complaint for compensation stands disposed of with liberty to the complainant to file afresh, on culmination of CIRP proceedings, if so legally permissible under the orders of any Higher Judicial Forum or legal authority.

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File be consigned to record room after uploading order on the webportal of the Authority

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MAJOR PHALIT SHARMA
ADSJ (Retd.)
ADJUDICATING OFFICER
22.01.2026

Akshita
Law Associate