



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1427 OF 2025

Sushma and Ors.

....COMPLAINANT

VERSUS

1. Pivotal Infrastructure Pvt. Ltd.
2. Royal Heritage Resident Welfare

....RESPONDENTS

Date of hearing: 15.12.2025

Hearing : 1st

Present: Adv. Karanveer Hooda, counsel for complainant through VC

Adv. Karan Kaushal, counsel for respondent no.1 through VC

Adv. Denson Joseph, counsel for respondent no. 2 through VC

ORDER (NADIM AKHTAR- MEMBER)

1. As per office report, notices dated 01.10.2025 were duly served upon the respondents on 03.10.2025. However, no reply has been filed by the respondents till date.
2. Before proceeding further, the Authority deems it appropriate to peruse the relief clause of the captioned complaint, which reads as under:

- i. *To direct Respondent No.1, i.e., the Builder-Promoter, not to hand over possession/ownership of the common areas to Respondent No.2, i.e., RHRWA, which is allegedly not a true representative of the interests of the allottees of the project in question.*
- ii. *To direct Respondent No.1, i.e., the Builder-Promoter, to duly constitute a valid Residents' Welfare Association in fulfilment of its statutory obligation under the RERA Act, 2016, and to facilitate the formation of a properly constituted Residents' Welfare Association in a time-bound manner, and further to initiate the process of vesting ownership and possession of the common areas, maintenance account, including IFMS, in such duly constituted Residents' Welfare Association.*
- iii. *To pass any other order/direction as this Hon'ble Authority may deem fit and proper in the facts and circumstances of the case, in the interest of justice.*
- iv. *To exempt the complainants from filing certified copies of the annexures.*
- v. *During the pendency of the present complaint, to stay the operation of the order dated 06.03.2025.*

3. The Authority enquired from the learned counsel for the complainant as to how the aforesaid reliefs are maintainable under the RERA Act, 2016 and before this Authority. In response, learned counsel for the complainant submitted that the order dated 06.03.2025 passed by this Authority in Complaint No. 2395 of 2022 has been annexed in the complaint book, wherein at paragraph 74 at page no. 150, liberty was granted to the members of the association to approach the Authority at a later stage for appropriate relief, including reliefs relating to the composition or functioning of the



association or grievances concerning maintenance operations. It was submitted that the complainant is availing the said liberty.

4. The Authority further enquired from the learned counsel for the complainant as to how the present case discloses any grievance relating to the composition or functioning of the association or maintenance operations. The Authority also observed that issues relating to the association are required to be dealt with by the Registrar of Societies. In reply, learned counsel for the complainant submitted that a complaint has already been filed by the complainant before the Registrar of Societies.
5. Learned counsel for the respondent also prayed for dismissal of the complaint, particularly on the ground that the reliefs claimed by the complainant are not maintainable before this Authority.
6. Upon careful consideration of the pleadings, submissions advanced by the learned counsel for the parties, and perusal of the record, this Authority makes the following observations
7. The primary reliefs sought in the present complaint pertain to restraining the Builder-Promoter from handing over possession/ownership of common areas to Respondent No.2 (RHRWA), directing the constitution of a fresh and valid Residents' Welfare Association, and staying the operation of the order dated 06.03.2025 passed by this Authority in Complaint No. 2395 of 2022.



8. This Authority finds that the reliefs claimed by the complainant essentially relate to the composition, recognition, and functioning of a Residents' Welfare Association, as well as disputes inter se the members of the association and the existing association body. Such issues do not fall within the adjudicatory domain of this Authority under the Real Estate (Regulation and Development) Act, 2016. Matters concerning the registration, validity, management, or internal functioning of an association are required to be adjudicated by the competent authority, namely, the Registrar of Societies. Though reliance has been placed by the learned counsel for the complainant upon paragraph 74 of the order dated 06.03.2025 passed in Complaint No. 2395 of 2022, whereby liberty was granted to the members of the association to approach the Authority at a later stage for appropriate relief, this Authority is of the considered view that such liberty cannot be construed to confer jurisdiction upon this Authority in respect of matters which are otherwise beyond the scope of the RERA Act, 2016. The grant of liberty does not override statutory limitations or enlarge the jurisdiction of this Authority to entertain disputes which are expressly triable by another competent forum.
9. Further, the complainant has himself admitted that a complaint regarding the association has already been filed before the Registrar of Societies. Once the complainant has invoked the jurisdiction of the competent authority for

redressal of grievances relating to the association, parallel proceedings before this Authority on the same subject matter are not only unwarranted but also impermissible.

10. This Authority also notes that the prayer seeking stay of operation of the order dated 06.03.2025 amounts to seeking a review or modification of a final order passed by this Authority. In the absence of any express provision under the RERA Act, 2016 empowering this Authority to review or stay its own final order, such a relief is clearly not maintainable.
11. In view of the above discussion, this Authority holds that the reliefs claimed in the present complaint are beyond the jurisdiction of this Authority and are not maintainable under the provisions of the RERA Act, 2016. Accordingly, the complaint is liable to be dismissed.
12. Hence, the complaint is accordingly **disposed of** in view of above terms. File be consigned to the record room after uploading of the order on the website of the Authority.


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NADIM AKHTAR
[MEMBER]