



Complaint Nos. 1046, 857 of 2024

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 1046 OF 2024

Surinder Kumar Tagra

....COMPLAINANT

VERSUS

Express Projects Pvt. Ltd

....RESPONDENT

2. COMPLAINT NO. 857 OF 2024

Raj Bala Jain

....COMPLAINANT

VERSUS

Express Projects Pvt. Ltd

....RESPONDENT

Coram:

Sh. Chander Shekhar

Member

Date of Hearing: 15.05.2026

Hearing:

8th in complaint no. 1046 of 2024

7th in complaint no. 857 of 2024

Present:

Mr. Akshat Mittal, Advocate, for the Complainants in both cases.

Mr. Aditya Payas Malik, Advocate Proxy for Mr. Kamaljeet Dahiya, Advocate, for the Respondent in both cases through VC.

ORDER

Today the cases were fixed for arguments.

2. Today, an e-mail has been received by the Authority from the Haryana RERA Bar Association requesting not to pass any adverse orders in the cases listed today in view of the participation of the members in the activities of the Bar Association.

3. Learned proxy counsel for the respondent has requested the Authority to dispose of the present matters in view of the order passed by the Hon'ble Appellate Tribunal in Appeal No. 775 of 2024 stating that the issues in in the present cases are similar to as decided in the Appeal No. 775 of 2024 and in Complaint No. 2290 of 2022. Learned counsel for the complainants has opposed the said submissions and stated the decision in the aforesaid appeal is not applicable to the present cases.

Crb
4. The Authority has considered the submissions advanced by the learned counsels for the parties and has perused the facts and issues involved in the present cases. The factual matrix of the present cases are similar to the facts of the Complaint No. 2290 of 2022 in which the Hon'ble Appellate Tribunal in Appeal Nos. 775 of 2024, 776 of 2024, 778 of 2024, 781 of 2024, 782 of 2024, 783 of 2024, 784 of 2024 and 785 of 2024 has allowed the appeal as

maintainable and set aside the order dated 30.05.2024 passed by the Authority.

The relevant part of the order dated 06.04.2026 passed by the Hon'ble Appellate Tribunal is reproduced below for ready reference:

“10. The first and foremost question to be considered is, whether dispute falls within the purview of the Act². For this purpose, it is necessary to see whether Part-Completion Certificates were granted to the promoter prior to the enactment of the Act or thereafter. In the instant case, there is no dispute about the fact that Part-Completion Certificates were granted to the promoter on 05.08.2013 and 19.11.2013 i.e. prior to the enactment of the Act and the Rules framed thereunder.

11. It appears that after Part-Completion Certificates were granted to the promoter, offer of possession was made to the allottees on 30.12.2014. Pursuant to same, Conveyance Deed was also executed between the parties on 08.04.2015. Almost seven years thereafter, the allottees instituted the instant complaint.

12. Apart from huge delay in invoking jurisdiction of the Authority, it is highly doubtful whether the dispute would be within the purview of the Act, Part-Completion Certificates having been granted to the project prior to the enactment of the Act and the Rules framed thereunder (see judgment in Neelkamal Realtors Suburban Pvt. Ltd. V. Union of India and others, AIR 2018 (NOC) 398 (Bom.) para 84).


13. The respondent-complainants have not controverted the fact that Part-Completion Certificates were granted to the promoter prior to the special enactment. Thereafter, they readily agreed to take possession and execute conveyance deed. In the peculiar facts and circumstances of the case, the Authority has erred in holding that the complaint filed by the allottees is maintainable. Thus, appeal deserves to be allowed. Ordered accordingly. Impugned order is set aside.

14. Copy of this order be sent to the parties/their counsel and the Authority.

15. Files be consigned to records.”

4. The Authority is of the considered view that the issues involved in the present cases are similar to those adjudicated in the aforesaid appeal and as decided in the Complaint No. 2290 of 2022. Keeping in view the principle of judicial propriety and considering the observations and directions issued in Appeal No. 775 of 2024 decided by the Hon'ble Appellate Tribunal as a precedent, the present cases are therefore **dismissed being non maintainable** with liberty to the complainants to re-open as and when the cause of action arises.

5. Files be consigned to record room after uploading of order on the website of the Authority.


.....
(CHANDER SHEKHAR)
MEMBER

15.05.2026
Gaurav Saini
(Law Associate)