



Complaint Nos. 2274,2275,2290,2291,  
2292,2293,2740,2853 of 2022.

## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### 1. COMPLAINT NO. 2274 OF 2022

Priyanka Arora

...COMPLAINANT

Versus

Express Projects Pvt. Ltd

....RESPONDENT

### 2. COMPLAINT NO. 2275 OF 2022

Sujata Kumari & Anr.

....COMPLAINANT(S)

Versus

Express Projects Pvt. Ltd

....RESPONDENT

### 3. COMPLAINT NO. 2290 OF 2022

Shashank Jain & Anr.

...COMPLAINANT(S)

Versus

Express Projects Pvt. Ltd

....RESPONDENT

### 4. COMPLAINT NO. 2291 OF 2022

*CS*  
Sachin Sharma & Anr.

...COMPLAINANT(S)

Versus

Express Projects Pvt. Ltd

....RESPONDENT

### 5. COMPLAINT NO. 2292 OF 2022

Bimla & Anr.

...COMPLAINANT(S)

Versus

Express Projects Pvt. Ltd

....RESPONDENT

**6. COMPLAINT NO. 2293 OF 2022**

Neeraj Gautam & Anr.

..COMPLAINANT(S)

Versus

Express Projects Pvt. Ltd

....RESPONDENT

**7. COMPLAINT NO. 2740 OF 2022**

Suman Sharma & Anr.

....COMPLAINANT(S)

Versus

Express Projects Pvt. Ltd .

.....RESPONDENT

**8. COMPLAINT NO. 2853 OF 2022**

Suvercha Bhardwaj & Anr

....COMPLAINANT(S)

Versus

Express Projects Pvt. Ltd .

....RESPONDENT

**Coram: Sh. Chander Shekhar**

**Member**

**Date of Hearing: 15.05.2026**

**Hearing: 15<sup>th</sup>**

**Present:** Mr. Akshat Mittal, Advocate, for the Complainants in all cases.  
Mr. Aditya Payas Malik, Advocate Proxy for Mr. Kamaljeet Dahiya, Advocate, for the Respondent in all cases through VC.

**ORDER**

Today the cases were fixed for awaiting final order in Appeal No. 775 of 2024 & others from the Hon'ble Appellate Tribunal.

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. As per the office report, a copy of the order dated 06.04.2026 passed by the Hon'ble Appellate Tribunal has been received wherein order dated 30.05.2024 passed by the Authority has been set aside while allowing the appeal.

4. In view of the order passed by the Hon'ble Appellate Tribunal, learned proxy counsel for the respondent has requested the Authority to dispose of the present matters as the same are non maintainable. Learned counsel for the complainants apprised the Authority that they are in the process of challenging the order dated 06.04.2026 passed by the Hon'ble Appellate Tribunal in the Hon'ble High Court and requested to adjourn the present complaints until the decision of the Hon'ble High Court.

5. The Authority has considered the submissions advanced and the issues involved in the present cases. Factual matrix of the Complaint No. 2290

of 2022 is that the allottees booked a plot measuring 300 sq. yds. in the project developed by the promoter in District Sonapat in the year 2006. The allottees were originally allotted Plot No. 30, Block E and a Plot Buyer Agreement (PBA) was executed on 27.09.2008. Under Clause 34 of the said agreement, the promoter was obliged to complete development works and hand over possession within 36 months, i.e., by 26.09.2011. The allottees allege that they paid a total sum of Rs. 21,01,010/- against the basic sale price of Rs.11,88,000/-. However, the promoter unilaterally altered the allotment, changing the plot from No. 30 (300 sq. yds.) to Plot No. E-110 (275 sq. yds.), and offered possession on 30.12.2014, after a delay of nearly three years. Subsequently, Conveyance Deed was executed on 08.04.2015. The allottees filed a complaint seeking reliefs including: delay possession interest; withdrawal or rectification of demands pertaining to maintenance charges and interest on club charges; refund of amount collected towards Preferential Location Charges (PLC); setting aside demands related to EDC and non-construction penalties.

4. The respondent resisted the complaint contending that part-completion certificates to the project had been granted on 05.08.2013 and 19.11.2013, much before the enactment of the RERA Act. Possession was offered on 30.12.2014 and the conveyance deed was executed on 08.04.2015.

Therefore, the project cannot be categorized as an “ongoing project” under Rule 2(1)(o) of the Haryana Real Estate (Regulation and Development) Rules, 2017, and the Authority lacks jurisdiction.

5. The relevant part of the order dated 06.04.2026 passed by the Hon’ble Appellate Tribunal in Appeal No. 775 of 2024 is reproduced below for ready reference:

*“10. The first and foremost question to be considered is, whether dispute falls within the purview of the Act<sup>2</sup>. 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.”*

6. In view of the observations made by the Hon'ble Appellate Tribunal that the present complaints are not maintainable before the Authority as stated above and in the absence of any order from the Hon'ble High Court, there remains no cause of action to keep the present complaints pending and the active adjudicatory function of the Authority does not come into play at this stage. The present complaints are **dismissed being non maintainable** with liberty to the complainants to file fresh complaints as and when the cause of action arises.

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

  
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(CHANDER SHEKHAR)  
MEMBER

15.05.2026  
Gaurav Saini  
(Law Associate)