



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 61 OF 2024

Association of Allottees Owners of
Parsvnath City

....COMPLAINANT

VERSUS

1. Nebrom Global Developers LLP
2. Parsvnath Developers Ltd.

....RESPONDENTS

CORAM:	Parneet S Sachdev	Chairman
	Dr. Geeta Rathee Singh	Member
	Chander Shekhar	Member

Date of Hearing: 21.05.2026

Hearing: 9th

Present: Mr. Nitin Kant Setia, counsel for the complainant through VC.
Mr. Deepak K Sharma, counsel for the respondent no. 1.
Ms. Rupali Verma, counsel for respondent no. 2 through VC.

ORDER (PARNEET S SACHDEV - CHAIRMAN)

1. The present complaint has been filed by the complainant association seeking the following reliefs:-

- i. Calling for the records of project registration case bearing Temp ID: RERA-PKL-104-2018 pertaining to project “Parsvnath City Dharuhera” NH-8, Jaipur Highway, Dharuhera, Rewari.
 - ii. Calling for the records of Complaint No. 2193 of 2022 titled “Association of Allottees/Owners of Parsvnath City, Sector-1, Dharuhera, District Rewari, Haryana”.
 - iii. Revocation of registration of project “Nebrom Residency” bearing registration No. RERA-PKL-RWR-410-2023 dated 23.02.2023 on the ground that the same was allegedly obtained in violation of Section 15 of the Real Estate (Regulation and Development) Act, 2016 by concealment, misrepresentation and fraud.
2. The complainant association submitted that the land forming part of “Nebrom Residency” originally constituted a part of “Parsvnath City, Dharuhera” and the subsequent de-licensing and transfer of the said land was illegal and prejudicial to the interests of the allottees of Parsvnath City. During the course of hearing, Id. counsel for the complainant association, Sh. Nitin Kant Setia, submitted that the principal grievance of the complainant association is against the registration granted to “Nebrom Residency”. He further submitted that the de-licensing order dated 12.07.2019 passed by DTCP, Haryana has already been challenged before the Hon’ble High Court and therefore the matter be adjourned till adjudication by the Hon’ble High Court.



3. Per contra, respondent no.1 submitted that the land measuring 5.53125 acres purchased by it formed part of 11.51 acres of land which stood de-licensed by DTCP, Haryana vide order dated 12.07.2019 under the surrender policy and thereafter ceased to form part of the licensed colony/project. He argued that none of the members of the complainant association were ever allotted any unit in the said de-licensed land and therefore no right or interest accrued in their favour qua the said parcel of land.
4. Respondent no.2 submitted that the grievance raised by the complainant association essentially challenges the validity of the de-licensing order passed by DTCP, Haryana. She argued that this Authority cannot sit in appeal over an order passed by DTCP, Haryana under the provisions of the Haryana Development and Regulation of Urban Areas Act, 1975. She further submitted that the present complaint is beyond the jurisdiction conferred under the Real Estate (Regulation and Development) Act, 2016 and the complainant association has no locus standi to seek revocation of the registration granted to respondent no.1.
5. Authority has considered the documents on record and pleadings advanced by the parties. At the outset, it is pertinent to note that the reliefs sought by the complainant association do not fall within the adjudicatory jurisdiction of this Authority under the Real Estate (Regulation and Development) Act, 2016. With regard to relief no.1 and relief no.2 seeking calling of records



of registration proceedings and another complaint case, the Authority observes that such records are already part of official proceedings maintained by the Authority and are available in accordance with law. The Act does not contemplate adjudication merely for “*calling of records*” in absence of any substantive relief maintainable under the provisions of the Act. Such reliefs are procedural in nature and cannot independently constitute a cause of action before this Authority.

6. The principal relief sought by the complainant association is revocation of registration of “Nebrom Residency”. In this regard, reference is required to be made to Section 7 of the Real Estate (Regulation and Development) Act, 2016 which reads as under:

“7. Revocation of registration by the Authority.- (1) The Authority may, on receipt of a complaint or suo motu in this behalf or on the recommendation of the competent authority, revoke the registration granted under section 5, after being satisfied that.-

- (a) the promoter makes default in doing anything required by or under this Act or the rules or the regulations made thereunder;*
- (b) the promoter violates any of the terms or conditions of the approval given by the competent authority;*
- (c) the promoter is involved in any kind of unfair practice or irregularities.*

Explanation.—For the purposes of this clause, the term “unfair practice” means a practice which, for the purpose of promoting the sale or development of any real estate project adopts any unfair method or unfair or deceptive practice including any of the following practices, namely:—

- (A) the practice of making any statement, whether in writing or by visible representation which,—*
 - (i) falsely represents that the services are of a particular standard or grade;*



(ii) represents that the promoter has approval or affiliation which such promoter does not have;

(iii) makes a false or misleading representation concerning the services;

(B) permitting the publication of any advertisement or prospectus whether in any newspaper or otherwise of services that are not intended to be offered;

(d) the promoter indulges in any fraudulent practices.

(2) The registration granted to the promoter under section 5 shall not be revoked unless the Authority has given to the promoter not less than thirty days' notice, in writing, stating the grounds on which it is proposed to revoke the registration, and has considered any cause shown by the promoter within the period of that notice against the proposed revocation.

(3) The Authority may, instead of revoking the registration under sub-section (1), permit it to remain in force subject to such further terms and conditions as it thinks fit to impose in the interest of the allottees, and any such terms and conditions so imposed shall be binding upon the promoter..... ”

7. A bare perusal of the aforesaid provision makes it evident that revocation of registration can only be exercised where there exists a clear finding regarding violation of provisions of the Act, breach of conditions of approval, unfair trade practice, irregularity or fraudulent conduct on the part of the promoter within the framework of the RERD Act, 2016.
8. However, in the present case, the entire basis of the complainant's grievance is the alleged illegality in de-licensing of land measuring 11.51 acres by DTCP, Haryana vide order dated 12.07.2019 passed under the surrender policy. The complainant association seeks to indirectly challenge the consequences flowing from the said de-licensing order by seeking revocation of registration granted to respondent no.1.

9. This Authority cannot adjudicate upon the validity or legality of the de-licensing order passed by DTCP, Haryana. The issue pertaining to surrender/de-licensing of land falls within the domain of DTCP, Haryana under the Haryana Development and Regulation of Urban Areas Act, 1975. Admittedly, the complainant association itself has already challenged the de-licensing order before the Hon'ble High Court. Once the grievance is essentially against the de-licensing approval granted by DTCP, Haryana, the same cannot be adjudicated collaterally in proceedings under RERA.
10. Further, no material has been placed on record by the complainant association to establish that registration of "Nebrom Residency" was obtained by fraud, concealment or misrepresentation within the meaning of Section 7 of the Act. Mere allegations without substantive evidence cannot form the basis for revocation of registration already granted under the Act.
11. It is also pertinent to note that respondent no.2 has specifically placed on record that the land measuring 11.51 acres stood de-licensed vide order dated 12.07.2019 and thereafter ceased to form part of the licensed project land. It has further been stated that none of the members of the complainant association were ever allotted any unit in the said de-licensed parcel. The complainant association has failed to place on record any allotment or vested right of its members qua the disputed land.

12. Authority further observes that the complainant association cannot seek deferment of the present proceedings merely because challenge to the de-licensing order is pending before the Hon'ble High Court. The issue pending before the Hon'ble High Court pertains to validity of the de-licensing order passed by DTCP, Haryana, whereas the maintainability of the present complaint before this Authority has to be independently examined within the four corners of the RERD Act. Pendency of proceedings before another forum cannot confer jurisdiction upon this Authority where none otherwise exists.
13. In view of above, it is pertinent to note that the complainant's case has to stand on its own legs and the complainant cannot ask its claim to be established on account of the weakness of the respondents' case. Reference is made to *Kedar Nath Kohli vs. Sardul Singh, 2003 VIII AD (Delhi) 313*, wherein the Hon'ble Delhi High Court upheld the maxim *Actori incumbit onus probandi*, meaning thereby that the burden of proof lies upon the party asserting a claim. Despite specific opportunities during the course of hearings, the complainant association failed to establish how the reliefs sought are maintainable before this Authority under the provisions of the Act.
14. Accordingly, this Authority is of the considered view that the present complaint is not maintainable either on facts or in law. The reliefs sought

fall beyond the scope of jurisdiction conferred upon this Authority under the Real Estate (Regulation and Development) Act, 2016.

15. Therefore, the present complaint stands **disposed of**. File be consigned to the record room after uploading of the order on the website of the Authority.


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CHANDER SHEKHAR
[MEMBER]


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DR. GEETA RATHEE SINGH
[MEMBER]


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PARNEET S SACHDEV
[CHAIRMAN]