HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

BEFORE THE ADJUDICATING OFFICER
COMPLAINT NO. 979 OF 2026

JITENDER DHAWAN .... COMPLAINANT

VERSUS

PARSVNATH DEVELOPERS LTD. ....RESPONDENT

Date of Hearing: 15.10.2026

Hearing: 2nd

Present: - Ms. Pallavi Atoria, Adv., (proxy counsel) for Ms. Preeti Manderna, Adv for the complainant.
None for the respondent.

ORDER

Today, the case is fixed for the complainant to show any law which enables this Forum to proceed with the complaint in future and for consideration despite imposition of moratorium.

2. Learned proxy counsel for the complainant has submitted that admittedly there is moratorium in existence, but many allottees have approached the Hon'ble apex Court, against the order dated 30.04.2026 of the Hon'ble NCLT, Delhi, hence, let the liberty be left with the complainant to file the complaint afresh in accordance with law, on culmination of CIRP proceedings or otherwise

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as and when legal right accrues in favour of complainant by virtue of material changes in the facts and law.

3. No one appeared for the respondent, but no adverse order is passed against it because of the existence of the moratorium proceedings.

4. Heard

5. 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 cannot be proceeded with. However, a liberty is required to be 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, because to the best of knowledge of this Forum, grant of compensation under RE(RD) Act, 2016 read with HRERA Rules, 2017 is the sole domain of the Adjudicating officer within the meaning of sections 71 and 72 of the Act,2016, read with rule 29 of the Rules,2017. Otherwise also, it is settled proposition of law laid down by Hon'ble apex Court in **Swiss Ribbons Pvt Ltd and another vs. Union of India and others, Writ Petition (Civil) No. 99 of 2018 disposed on dated 25.01.2019** that *"Resolution Professional "RP" has no adjudicatory power. The "Resolution Professional" has to vet and verify the claims made and ultimately determine the amount of each claim. As opposed to this, the liquidator in the liquidation process under the IBC, 2016 has to*

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consolidate and verify the claims and either admit or reject such claims under section 38 to section 40 of the Code.". Thus, even in the light of the Hon'ble apex Court's judgement, passed in *Swiss Ribbons Pvt Ltd*'s case (supra), "Resolutional Professional" deputed to settle the claims, can't determine the aspect of compensation as it has no power to do so. But, this Forum leaves its observation here only as is bound to honour the order of moratorium.

Consequently, the present complaint for compensation stands **disposed of** with liberty to the complainant to file afresh, on culmination of CIRP proceedings, or prior thereto if so legally permissible under the orders of any Higher Judicial Forum or legal authority.

6. File be consigned to the record room after compliance.

7. Let, the order be uploaded on the web portal of the Authority.

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MAJOR PHALIT SHARMA
ADSJ(Retd.)
ADJUDICATING OFFICER
15.10.2026

Akshita
Law Associate