



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 686 OF 2024

Balwinder Kumar

....COMPLAINANT

VERSUS

1 Ms Alpha G Corp Development Pvt Ltd

2 Om Prakash Gagneja

....RESPONDENTS

Date of Hearing: 25.08.2026

Hearing: 7th

Present: - Adv. Nanak Singh, Proxy counsel for Ld. Counsel for the Complainant through VC.
Adv. Vikash Verma, Ld. Counsel for the Respondent no.1 through VC.
Adv. Arun Sharma, Ld. Counsel for the Respondent no.2.

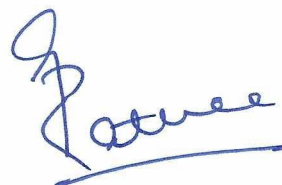
ORDER(DR. GEETA RATHEE SINGH- MEMBER)

1. Today, the case is fixed for filing of details of the 3rd party rights qua the share of respondent no.2/ co-allottee with respect of the unit in question.

As per record, no details have been filed.

2. Learned counsel for respondent no. 2 sought more time to file details of the same. Respondent no. 2 is directed to provide details of the 3rd party rights qua his share to the complainant at the earliest.

3. Upon perusal of the record, it is revealed that, by way of the present complaint, the complainant is seeking various reliefs in respect of Plot No. 34 situated in the project of Respondent No. 1, namely, "Alpha International City". As per the record, the aforesaid plot was jointly booked by the complainant, Shri Balwinder Kumar, and the co-allottee, Shri Om Prakash Gagneja (respondent no. 2). During the pendency of the present proceedings, respondent no. 2 apprised the Authority that he has already created third-party rights in respect of the unit in question.
4. In view of the aforesaid development, it is evident that the dispute is no longer confined to the parties before this Authority and has, by virtue of the creation of third-party rights, acquired the character of a substantive dispute concerning the rights and title in the property in question. Adjudication of such a dispute would necessarily entail examination and determination of questions relating to title, validity and effect of the conveyance/transfer in favour of the third party, as well as the rights flowing therefrom. Such issues involve disputed questions of fact and law which require a comprehensive adjudication by a competent Court of law.
5. Although this Authority has been vested with wide powers under the Real Estate (Regulation and Development) Act, 2016, the jurisdiction conferred upon it is circumscribed by the statutory scheme of the Act. The Authority cannot adjudicate upon matters which essentially involve determination of title or complex inter se civil rights, particularly where third-party rights



have intervened and the adjudication of the reliefs sought would necessarily require determination of such disputed title and proprietary rights.

6. As regards the other reliefs claimed by the complainant, including delayed possession charges and determination of the amounts payable and receivable between the parties, it is observed that, ordinarily, the adjudication of such reliefs falls within the jurisdiction of this Authority. However, in the facts and circumstances of the present case, the said reliefs are intrinsically connected with and arise out of the very same plot in respect of which the title and ownership have become disputed. Consequently, this Authority cannot effectively adjudicate upon the aforesaid monetary and consequential reliefs without first determining the parties' respective rights and entitlement in relation to the property. Such determination is beyond the scope of the present proceedings and is required to be undertaken by a competent Court of law.
7. In these circumstances, this Authority is of the considered view that the present complaint cannot be effectively adjudicated upon in exercise of its jurisdiction under the RERA Act, 2016, unless and until the dispute concerning the title and validity of the conveyance deed in respect of the plot in question is resolved by the competent Court. Accordingly, the present complaint is **dismissed**, with liberty to the complainant(s) to approach the competent Civil Court for adjudication and redressal of the



grievances relating to title, ownership, validity and effect of the conveyance deed and the third-party rights created in respect of the property in question.

It is, however, clarified that the present order shall be without prejudice to the statutory rights and remedies available to the complainant(s) under the Real Estate (Regulation and Development) Act, 2016 and the rules and regulations framed thereunder. In the event the competent Civil Court adjudicates upon and/or sets aside the conveyance deed or otherwise resolves the dispute concerning the title and ownership of the plot in question, the complainant(s) shall be at liberty to approach this Authority for adjudication of such reliefs as may otherwise fall within its statutory jurisdiction.

8. Case is **disposed of as dismissed**. File be consigned to record room after uploading of the order on the website of the Authority.


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DR. GEETA RATHEE SINGH
[MEMBER]