



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 824 OF 2026

Om Estates Residential Welfare Association
through Its President Tarsem Lal

VERSUS

....COMPLAINANT

1. Om Estates
2. Om Parkash
3. Mehtab Singh
4. Kamla Devi
5. Pareen Kumar

...RESPONDENTS

CORAM: Parneet S Sachdev
Nadim Akhtar
Dr. Geeta Rathee Singh
Chander Shekhar

Chairman
Member
Member
Member

Date of Hearing: 03.09.2026

Hearing: 1st

Present: Mr. Nitin Verma, counsel for the complainant, in person.
Mr. Neeraj Goel & Tarun Ranga, counsels for the respondents, in person.

ORDER (PARNEET S SACHDEV - CHAIRMAN)

1. Notice of the present complaint was issued to Respondents No. 1 to 4 on 16.06.2026, which was duly served upon all the respondents. The matter is taken up today for its first hearing.

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2. The complainant, an association representing the residents/allottees of the project, has alleged, inter alia, violation of the sanctioned plan, non-provision of certain advertised/common facilities, and other alleged violations of the provisions of the Real Estate (Regulation and Development) Act, 2016 (hereinafter, "the Act"). The reliefs sought by the complainant, however, are as follows:
- a) *To cancel RERA Registration No. HRERA-PKL-SRS-847-2026 granted to the respondent-builder for development of the new colony, on account of violation of the approved sanctioned plan and map by DTCP.*
 - b) *To direct the respondents to pay Rs.1,00,00,000/- (Rupees One Crore) to the residents of the current project for violation of the sanctioned plan.*
 - c) *To direct the respondents to pay compensation of Rs.50,00,000/- (Rupees Fifty Lakh) to the residents for failure to fulfil the advertised promises in the current project.*
 - d) *To direct the respondents to immediately implement the Sewage Treatment Plant (STP), R.O. plant and other common facilities as originally planned, promised and advertised in the project.*
 - e) *As an interim measure, to suspend RERA Registration No. HRERA-PKL-SRS-847-2026 till the final outcome of the present complaint and to direct the respondents to immediately stop construction of the new road over Plot No. 318 as per the original sanctioned plan.*
 - f) *To initiate appropriate proceedings against the respondent-developer for various violations of the statutory provisions of the RERA Act, rules and regulations.*
 - g) *To direct Respondents No. 1 to 4 to pay Rs.3,00,000/- towards litigation expenses.*
3. At the outset, it is necessary to examine whether the aforesaid reliefs can be granted by this Authority under the Act. Section 31(1) of the Act



permits an aggrieved person, including an association of allottees, to file a complaint before the Regulatory Authority for violation or contravention of the provisions of the Act or the rules and regulations made thereunder.

Thus, the jurisdiction of the Authority under Section 31 is not unlimited; the grievance must relate to a violation or contravention falling within the statutory framework of the Act. Section 31 of the RERD Act is reproduced below for reference:

“Section 31- Filing of complaints with the Authority or the adjudicating officer.—(1) Any aggrieved person may file a complaint with the Authority or the adjudicating officer, as the case may be, for any violation or contravention of the provisions of this Act or the rules and regulations made thereunder, against any promoter, allottee or real estate agent, as the case may be. Explanation.—For the purpose of this sub-section “person” shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force.

(2) The form, manner and fees for filing complaint under sub-section (1) shall be such as may be 1 [prescribed].”

4. During the course of hearing, a specific query was put to learned counsel for the complainant as to the statutory provision under which the reliefs claimed in the present complaint could be granted by this Authority and whether any specific relief contemplated under the Act had been sought. Learned counsel was unable to identify any provision conferring jurisdiction upon this Authority to grant the reliefs as prayed for.
5. It is well settled that jurisdiction is the power and authority conferred by law upon a Court or Tribunal to adjudicate upon a particular subject matter and grant the reliefs authorised by law. In *S. Joginder Singh v. Nirmal*



Naini Mehra & Ors., AIR 1986 Delhi 305, the Hon'ble Delhi High Court held that jurisdiction is determined with reference, inter alia, to the subject matter of the dispute and the nature of relief sought, and that absence of jurisdiction renders an order a nullity.

6. The same principle has been reiterated by the Hon'ble Supreme Court in *Kiran Singh & Ors. v. Chaman Paswan & Ors., AIR 1954 SC 340*, wherein it was held that a decree passed by a Court without jurisdiction is a nullity. Similarly, in *Sunder Dass v. Ram Prakash, (1977) 2 SCC 662*, the Hon'ble Supreme Court observed that where there is lack of inherent jurisdiction, the resulting decree is void and its invalidity can be raised whenever and wherever it is sought to be enforced. Therefore, this Authority cannot assume jurisdiction merely because the allegations made by the complainant may otherwise disclose a grievance.
7. The complainant has, inter alia, relied upon Section 12 of the Act in relation to the alleged failure to provide the RO plant and STP as advertised. Section 12 provides as under:

"Section 12. Obligations of promoter regarding veracity of the advertisement or prospectus.—Where any person makes an advance or a deposit on the basis of the information contained in the notice, advertisement or prospectus, or on the basis of any model apartment, plot or building, as the case may be, and sustains any loss or damage by reason of any incorrect, false statement included therein, he shall be compensated by the promoter in the manner as provided under this Act: Provided that if the person affected by such incorrect, false statement contained in the notice, advertisement or prospectus, or the model apartment, plot or building as the case may be, intends to withdraw from the proposed project, he shall be returned his entire



investment along with interest at such rate as may be prescribed and the compensation in the manner provided under this Act."

The provision, therefore, contemplates a statutory remedy in favour of a person who has suffered loss or damage on account of an incorrect or false statement in an advertisement, including withdrawal from the project with refund, interest and compensation. The reliefs sought in the present complaint, namely, lump-sum payments to the residents and directions for implementation of the advertised facilities, do not correspond to the remedy contemplated under Section 12.

8. The allegation regarding violation of the sanctioned plan is sought to be connected with Section 14 of the Act, which provides:

"Section 14. Adherence to sanctioned plans and project specifications by the promoter.—

(1) The proposed project shall be developed and completed by the promoter in accordance with the sanctioned plans, layout plans and specifications as approved by the competent authorities.

(2) Notwithstanding anything contained in any law, contract or agreement, after the sanctioned plans, layout plans and specifications and the nature of the fixtures, fittings, amenities and common areas, of the apartment, plot or building, as the case may be, as approved by the competent authority, are disclosed or furnished to the person who agree to take one or more of the said apartment, plot or building, as the case may be, the promoter shall not make—[.....]."

A plain reading of Section 14 shows that it regulates adherence by the promoter to the sanctioned plans, layout plans, specifications, amenities and common areas of the project. However, the reliefs actually sought in the present complaint are cancellation/suspension of the RERA registration of an adjoining project, stoppage of construction of an alleged unauthorised road over Plot No. 318 and payment of lump-sum compensation to the residents. The complainant has not demonstrated any provision under Section 14, or any other provision of the Act, empowering this Authority to grant such reliefs in the manner prayed for.

9. A plain reading of Section 14 shows that it regulates adherence by the promoter to the sanctioned plans, layout plans, specifications, amenities and common areas of the project. However, the reliefs actually sought in the present complaint are cancellation/suspension of the RERA registration of an adjoining project, stoppage of construction of an alleged unauthorised road over Plot No. 318 and payment of lump-sum compensation to the residents. The complainant has not demonstrated any provision under Section 14, or any other provision of the Act, empowering this Authority to grant such reliefs in the manner prayed for.
10. It is further material that several reliefs sought by the complainant concern cancellation/suspension of the registration of an adjoining project, alleged deviation from the sanctioned plan approved by the competent planning authority, stoppage of construction of a road and action in respect of matters falling within the statutory functions of the concerned competent departments. Such reliefs cannot be granted by this Authority merely by invoking Section 31 of the Act unless a specific statutory provision under the Act confers jurisdiction to grant the same.
11. The complainant has thus failed to demonstrate any provision of the Act under which this Authority is empowered to grant the specific reliefs prayed for. The issue at this stage is not the correctness or otherwise of the allegations on merits, but whether the reliefs sought are within the

statutory jurisdiction of this Authority. The answer is in the negative. The principle *actori incumbit onus probandi*, i.e. the burden of proof lies upon the party asserting a claim, was recognised by the Hon'ble Delhi High Court in *Kedar Nath Kohli v. Sardul Singh, 2003 (8) AD (Delhi) 313*.

12. In view of the foregoing discussion, this Authority is of the considered view that the reliefs sought in the present complaint do not fall within the jurisdiction conferred upon the Regulatory Authority under the Act.
13. Accordingly, the present complaint is dismissed as not maintainable.
14. File be consigned to the record room after uploading of this order on the website.


CHANDER SHEKHAR
[MEMBER]


DR. GEETA RATHEE SINGH
[MEMBER]


NADIM AKHTAR
[MEMBER]


PARNEET S SACHDEV
[CHAIRMAN]