

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 655 of 2026

Date of Decision: September 08 ,2026

M/s Ameya Commercial Projects Pvt. Ltd., through its Authorized Representative Mr. Shri Krishan Tiwari, Ameya One, Sector-42, DLF-Phase V, Golf Course Road, Gurugram, Haryana-122001

Appellant

Versus

M/s AKJ Attorneys & Solicitors LLP, Unit No. 203-204, Baani by Address One, Sector 56, Gurugram, Haryana-122011

Respondent

CORAM:

**Justice Rajan Gupta
Dr. Virender Parshad**

**Chairman
Member (Judicial)**

Present: Mr. Ambanshu Sahni, Advocate for the appellant.

O R D E R:

JUSTICE RAJAN GUPTA, CHAIRMAN

Present appeal is directed against order dated 16.04.2026 passed by the Adjudicating Officer, Haryana Real Estate Regulatory Authority, Gurugram. Operative part thereof reads as under:

“Reply of application filed by the respondent with a prayer to dismiss the complaint, is filed on behalf of complainant. Copy given.

Contending that complainant has approached the Authority also seeking possession of same unit, learned counsel for applicant/respondent submits that present complaint is not maintainable.

Simply to say that a complaint has also been filed before the Authority is no reason to presume that present complaint seeking compensation is not maintainable. It requires due deliberations to decide

the issue of maintainability. Let all issues including aforesaid preliminary issue be decided together.

Adjournment is requested on behalf of respondent to file written reply. Allowed. Be filed within one week with advance copy to the complainant.

To come on 29.04.2026 for further proceedings.”

2. Learned counsel for the appellant assailed the impugned order on the ground that the complaint before the Adjudicating Officer was not maintainable, as the respondent-allottee had simultaneously approached the Authority seeking possession of the same unit.

3. We have heard learned counsel for the appellant and given careful thought to the facts of the case.

4. A perusal of the impugned order shows that the plea of the appellant to decide the question of maintainability has not been turned down by the Adjudicating Officer. However, there is nothing to show that the same has to be decided at the very initial stage of the case, merely on the ground that the respondent-allottee has preferred a complaint before the Authority seeking certain other reliefs. We, thus, find no infirmity in the order, warranting interference.

5. In view of the above, the appeal is dismissed.

6. A copy of this order be sent to the parties/their counsel and the Adjudicating Officer.

7. File be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad
Member (Judicial)

September 08,2026
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