

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Complaint No. 07/2020

Anil Kumar Tripathi & Himanshu Tripathi

....COMPLAINANT(S)

VERSUS

Jindal Realty Pvt. Ltd.

....RESPONDENT(S)

Complaint No. 23/2020

Baru Ram Sharma & Manu Sharma

....COMPLAINANT(S)

VERSUS

Jindal Realty Pvt. Ltd.

....RESPONDENT(S)

Complaint No. 90/2020

Sadhna Goel & Sanjay Kumar Goel

....COMPLAINANT(S)

VERSUS

Jindal Realty Pvt. Ltd.

....RESPONDENT(S)

Complaint No. 170/2020

Charanjit Singh

....COMPLAINANT(S)

VERSUS

Jindal Realty Pvt. Ltd.

....RESPONDENT(S)

Complaint No. 2758/2019

Parminder Kumar Bhagat & Naveesh Bhagat

...COMPLAINANT(S)

VERSUS

Jindal Realty Pvt. Ltd.

....RESPONDENT(S)

Complaint No. 2782/2019

Rohit Manik & Deepti Manik

....COMPLAINANT(S)

VERSUS

Jindal Realty Pvt. Ltd.

....RESPONDENT(S)

Complaint No. 2784/2019

Ashish Kakkar & Asha Kakkar

....COMPLAINANT(S)

VERSUS

Jindal Realty Pvt. Ltd.

....RESPONDENT(S)

Complaint No. 2786/2019

Nand Kishore

....COMPLAINANT(S)

VERSUS

Jindal Realty Pvt. Ltd.

....RESPONDENT(S)

Complaint No. 2796/2019

Vaishali Kaushik & Anup Kaushik

....COMPLAINANT(S)

VERSUS

Jindal Realty Pvt. Ltd.

....RESPONDENT(S)

Complaint No. 2812/2019

Parveen Kumar

....COMPLAINANT(S)

VERSUS

Jindal Realty Pvt. Ltd.

....RESPONDENT(S)

Complaint No. 2813/2019

Col Navin Chandra Sharma

....COMPLAINANT(S)

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VERSUS

Jindal Realty Pvt. Ltd.

....RESPONDENT(S)

Complaint No. 2847/2019

Geeta Arora

....COMPLAINANT(S)

VERSUS

Jindal Realty Pvt. Ltd.

....RESPONDENT(S)

Complaint No. 3119/2019

Om Parkash Sharma & Santosh Sharma

....COMPLAINANT(S)

VERSUS

Jindal Realty Pvt. Ltd.

....RESPONDENT(S)

CORAM: Rajan Gupta

Anil Kumar Panwar

Chairman

Member

Date of Hearing: 18.08.2020

Hearing: 2nd

Present: - Sh. Satish Mishra, Counsel for the complainant.

None for the respondent.

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Complaint no. 07,23,90,170 of 2020 & 2758, ,2782,2784,2786,2796, 2812, 2813,2847 ,3119 of 2019

ORDER (RAJAN GUPTA-CHAIRMAN)

On the last date of hearing it was observed that the complainants involved in present complaint have also filed complaint before the Adjudicating Officer of this Authority claiming the same relief as prayed in these complaints. Therefore, the matters were adjourned for today for arguments on the issue of maintainability of present complaints.

- 2. Today, Ld. counsel for complainant states that in these complaints he is seeking relief of possession/ refund alongwith delay compensation and interest from the Authority. Further he states that complaints were filed before the Authority as well as before the Adjudicating Officer for the reason that there was not much clarity as to which forum has the jurisdiction to deal with the relief of refund or possession alongwith delay compensation and interest. He admits the fact that the complaints filed before the Adjudicating Officer are prior in time in respect of present complaints.
- 3. Arguments heard and relevant record perused. From the joint reading of the relief sought by complainant in both sets of complaints it is revealed that the complainant is mainly seeking adjudication upon the issues of delay compensation, refund of paid amount, increase/decrease in size of booked unit, tax liability in from of GST and VAT, club charges and interest on delayed payments. The only difference is pertaining to compensation part, the issue of compensation for mental harassment and agony is being addressed before the

& 2758, ,2782,2784,2786,2796, 2812, 2813,2847 ,3119 of 2019

Adjudicating Officer. Considering this factual position, it is observed that merely not asking for compensation before this Authority would not render these complaints maintainable. It is well settled principle of law that complainant cannot choose two forums simultaneously for the same relief/grievances. Further as per provisions of section 10 of Civil Procedure Code,1908 the issues involved in present complaints are already sub-judice before the court of Adjudicating Officer. The complainants cannot approach both the institutes at the same time. Keeping in view the reasons stated above it is decided that the present bunch of complaints are **not maintainable** in the present form before this Authority. However, complainant is at liberty to approach this forum again after removing the said legal defects/in accordance with the principles of law. Files be consigned to record room.

RAJAN GUPTA [CHAIRMAN]

ANIL KUMAR PANWAR [MEMBER]