



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 369 OF 2020

Plot Owners Welfare Association

....COMPLAINANT(S)

VERSUS

SRS Real Infrastructure Ltd

....RESPONDENT(S)

CORAM:

**Rajan Gupta
Anil Kumar Panwar**

**Chairman
Member**

Date of Hearing: 15.09.2020

Hearing: 1st

Present through Video Conference: -

Mr. Amarpal,
Counsel for Complainant

None for Respondent

ORDER (RAJAN GUPTA-CHAIRMAN)

1. The present review application has been filed seeking rectification in its final order dated 05.02.2020 passed by this Authority in complaint case no.3086 of 2019. The operative part of the said order is reproduced as below:

1. ***

2. Complainant's case is that he booked two plots bearing nos. as D-149 and D-148 in respondent's project SRS Residency, Panchkula on 30.09.2015 by paying booking amounts of ₹49500/- for each plot to the respondent. The complainant further paid ₹ 7,92,000/- to the respondent. Plot buyer agreement was executed on 29.02.2016 and it made obligatory for the respondent to deliver possession within 3 years from the date of execution of the agreement i.e. up to 01.03.2019. But till date, neither possession has been offered nor any construction work has been carried out at the site of the project. Thus, the complainant prays for possession of the plots or in alternative refund of the entire paid amount along with interest.

3. This matter has been heard six times earlier. It had transpired at the time when efforts were being made to serve the respondent that Directors of the respondent company are confined in jail. Therefore, notice of the complaint was sent to Superintendent of concerned jail and it was duly received by director of respondent company. Despite service of notice, respondent neither appeared nor filed his reply till date.

4. As the complainants stated that no development work has been done at the site of the project, a notice to the District Town Planner (DTP) was sent on 24.09.2019 directing him to file current status report of the said project. A report dated 04.10.2019 was received from DTP, Panchkula revealing that the colony named 'SRS



Residency' is not a licensed colony and said colony could be an unauthorised colony.

The complainants after receipt of above report of DTP were given an opportunity to prove that the colony is a licensed one and approved by the concerned department of the State but they have failed to prove it till date.

5. Admittedly, the project in question is located in Panchkula township. So, the respondent was required to obtain license from Town and Country Planning Department for carrying out development of the project. He has not obtained any such license and has committed violation of law. The complainants by investing into a project which was being developed illegally, were a privy to illegal development of a colony. So, they do not deserve any relief from this Authority which has been created with an aim to promote and regulate real estate sector in an orderly manner. Viewed from this prospect, this Authority is of the considered opinion that the complainants are not entitled to seek any relief from this Authority and the complaints are liable to be dismissed. However, the complainants will be at liberty to seek redressal of their grievances from competent court as per law.

2. Learned counsel for the complainant prayed that this Authority should re-considered its earlier orders dated 05.02.2020 in order to safeguard the interest of home buyers/allottees because they have paid their hard-earned money to the respondents. The respondent is under contractual obligations to handover the apartments to the allottees. The respondent is severally defaulting in discharging of his contractual obligations.

The Authority is of the considered view that it has already decided the matter on merits vide its orders dated 05.02.2020. A review



against a final order is maintainable only on the ground if there is an error patent on the face of the record. Learned counsel for the complainants have sought to argue the matter afresh on merits. The Authority is debarred from reconsidering its orders on merits. Its review powers are limited to the extent of correcting any error apparent on the face of the record. The Authority has no powers to reconsider its orders on merits.

For the foregoing reasons this review application is dismissed.

3. **Disposed of** as dismissed. Order be uploaded and file be consigned to record room.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]