



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

BEFORE THE ADJUDICATING OFFICER COMPLAINT NO. 28 OF 2018

Kanta Sharma and Others

....COMPLAINANT(S)

VERSUS

Shalimar Estates Pvt. Ltd

....RESPONDENT(S)

Re- hearing:- 28.10.2020 (2nd hearing)

Present: -Mr. Keshav Gupta , Counsel for the complainant (through video conferencing)

Mr. R K Aggarwal, Managing Director on behalf of respondent

ORDER:-

The captioned complaint was initially filed by the complainant seeking refund of paid amount alongwith interest before Hon'ble Real Estate Regulatory Authority, Panchkula. The issue of jurisdiction was decided by Hon'ble Authority vide its order dated 05.03.2019. Feeling aggrieved respondent had filed Appeal no. 214 of 2019 tiled as Shalimar Estate Pvt Ltd vs Kanta Sharma and another before Hon'ble Real Estate Appellate Tribunal against interim order dated 05.03.2019 passed by Hon'ble Authority. Said appeal was disposed of by Hon'ble Appellate Tribunal vide its order dated

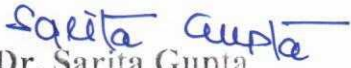
Sarita Gupta

13.08.2020 directing Hon'ble Authority Panchkula to transfer the case to Adjudicating Officer for disposal in accordance with law.

2. Accordingly, this case was dealt with by Adjudicating Officer on 29.09.2020 and was adjourned for today for filing of copies of amended complaint. Amended complaint not filed.

3. Perusal of file reveals that complainant is seeking refund of paid amount alongwith interest. In Civil Writ Petition 38144 of 2018 titled as Experion Developers Pvt. Ltd. vs State of Haryana and others alongwith other writ petitions, date of decision 16.10.2020, it has been observed by Hon'ble High Court of Punjab and Haryana, Chandigarh that it is the Haryana Real Estate Regulatory Authority which has the power to examine and determine the outcome of complaint when it comes to refund of the amount and interest on the amount or directing payment of interest for delayed delivery of possession or penalty or interest thereon.

2. In view of aforementioned observation of Hon'ble High Court of Punjab and Haryana, Chandigarh, this complaint is to be dealt with by Hon'ble Real Estate Regulatory Authority, Panchkula. Both the counsels for the parties are directed to appear before Hon'ble Real Estate Regulatory Authority, Panchkula on 24.11.2020. The office is directed to update this case on the portal of Hon'ble Authority. File be sent there well in time.


Dr. Sarita Gupta
[Adjudicating Officer]