



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 28 OF 2018

Kanta Sharma and Others

...COMPLAINANT(S)

VERSUS

Shalimar Estates Pvt. Ltd

....RESPONDENT(S)

CORAM: Rajan Gupta
Anil Kumar Panwar
Dilbg Singh Sihag

Chairman
Member
Member

Date of Hearing: 24.11.2020


Hearing: 3rd

Present: - Mr. S.K. Sharma, Complainant in person
Mr. R K Aggarwal, Managing Director on behalf of
respondent

ORDER (RAJAN GUPTA-CHAIRMAN)

The captioned complaint was initially filed by the complainant seeking refund of paid amount alongwith interest before this Authority. The issue of jurisdiction was decided by the Authority vide its order dated 05.03.2019. Feeling aggrieved respondent had filed Appeal no. 214 of 2019 titled 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 13.08.2020 directing Hon'ble Authority Panchkula to transfer the case to Adjudicating Officer for disposal in accordance with law. Accordingly, notice was issued to both parties to appear before Adjudicating Officer.

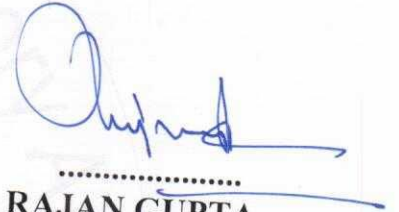
2. In furtherance of previous order dated 28.10.2020 passed by Adjudicating Officer, this matter has been taken up today for hearing. Perusal of file reveals that complainants are seeking refund of paid amount alongwith interest. In Civil Writ Petition 38144 of 2018 titled as Experion Developers Pvt. 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



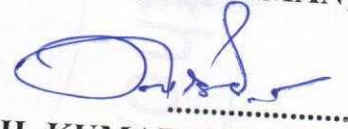
or directing payment of interest for delayed delivery of possession or penalty or interest thereon.

3. Presently, operation of order dated 16.10.2020 in CWP No. 38144 of 2018 has been ordered to be stayed by Hon'ble Apex Court vide order dated 05.11.2020 in SLP No. 13093 of 2020 titled as M/s Sana Realtors Pvt. Ltd. vs Union of India & Ors. and SLP No. 13238 – 13256 of 2020.

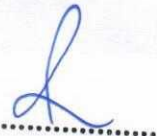
4. Case is therefore, adjourned sine die to await the final decision in the aforementioned writ petitions pending before the Hon'ble Apex Court.



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RAJAN GUPTA
[CHAIRMAN]



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ANIL KUMAR PANWAR
[MEMBER]



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DILBAG SINGH SIHAG
[MEMBER]