



Suo Moto Complaint No. 804 of 2020 (complaint)

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

SUO MOTO COMPLAINT NO. 804 OF 2020

HRERA, Panchkula

....COMPLAINANT

VERSUS

TDI Infrastructure Pvt. Ltd. & Ors.

....RESPONDENTS

**CORAM: Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag**

**Chairman
Member
Member**

Date of Hearing: 05.01.2021

Hearing: 3rd

Present: - Sh. Shubhnit Hans, Counsel for the respondent through VC.

ORDER (RAJAN GUPTA-CHAIRMAN)

1. The present Suo-moto case has arisen out an application filed by the respondent promoter for refund of pre-deposit amount of Rs. 15,07,910/-.

In the present case, the complainant allottee had filed a complaint no. 560 of 2018 titled as Saroj Gupta & Ors. Vs TDI seeking refund of Rs. 21,59,375/- along with interest. The Authority vide order dated 22.11.2018 had directed the promoter to the respondent to refund the amount already paid by the complainant along with interest at the rate stipulated under Rule 15 of the HRERA Rules, 2017. Thereafter, the respondent promoter filed an appeal before The Haryana Real Estate Appellate Tribunal vide Appeal no. 143 of 2019. Hon'ble Appellate Tribunal while allowing the appeal vide its order dated 22.08.2019 transferred the matter to the Adjudicating Officer, Panchkula, on the ground that the order passed by the Real Estate Regulatory Authority, Panchkula was without jurisdiction.

The Hon'ble Appellate Tribunal vide the aforesaid order further ordered that the amount deposited by the appellant promoter with the Tribunal in compliance of proviso to section 43(5) of the RERA Act 2017 be transferred to the account of the learned Real Estate Regulatory Authority, Panchkula. Thereafter, the respondent promoter filed the present application before the Authority seeking refund of the pre-deposit amount of Rs. 15,07,910/-.



2. Learned counsel for the respondent promoter on the last date of hearing had sought an adjournment on the ground that the respondent promoter had filed an application bearing CM No. 63 of 2020 in Appeal No. 143 of 2019 before the Hon'ble Appellate Tribunal, seeking clarification of the order dated 22.08.2019.

3. The respondent promoter has filed an application dated 20.11.2020 vide which he has placed on record the order dated 05.11.2020 passed by the Appellate Tribunal. The Appellate Tribunal vide order dated 05.11.2020 passed in the CM No. 63 of 2020 in Appeal No. 143 of 2019 has observed in its order as follows:

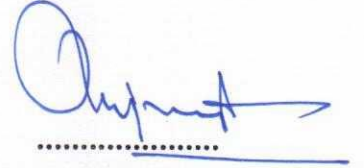
“ Due to some omission on our part we could not pass the order for refund of the amount which was required to be passed at that very time, when the appeal was allowed. As at present, there is no appeal before this Tribunal, so the amount deposited by the applicant-promoter cannot be detained. Thus, the amount of pre-deposit i.e. Rs. 15,07,910/- is ordered to be returned/refunded to the applicant as per rules.

It has been informed to us by the Ld. Counsel for the parties that the amount deposited by the appellant -promoter had already been remitted to the Ld. Authority. So, the Ld. Authority as per the order passed by us will return/ refund the said amount to the applicant-promoter as per rules.”

4. As per office record, the amount of Rs. 15,07,910/- has already been received from Hon'ble Real Estate Appellate Tribunal, Chandigarh vide reference letter dated 16.07.2020. In view of the aforementioned order dated 05.11.2020 passed by Hon'ble Appellate Tribunal, the said amount of Rs. 15,07,910 be returned/ refunded to the applicant-promoter as per rules. The



present complaint stands disposed of. File be consigned to the record room and order be uploaded on the official website of the Authority.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]