



Suo Moto Complaint No. 1350 of 2020 (complaint)

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

SUO MOTO COMPLAINT NO. 1350 OF 2020

HRERA, Panchkula

....COMPLAINANT

VERSUS

TDI Infrastructure Pvt. Ltd. & Anr.

....RESPONDENTS

CORAM: Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag

Chairman
Member
Member

Date of Hearing: 05.01.2021

Hearing: 1st

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. 23,30,004/-.

In the present case, the complainant allottee had filed a complaint no. 253 of 2018 titled as Ravinder Kumar Nanda Vs M/s TDI Infrastructure Pvt. Ltd. seeking refund of Rs. 34,09,394/- along with interest. The Authority vide order dated 07.08.2018 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. 141 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 its order dated 22.08.2019 also allowed the application for waiver of condition of pre-deposit filed by the respondent promoter.

2. Ld. Appellate Tribunal while disposing of an application filed by the respondent promoter i.e. CM No. 61 of 2020 in Appeal No. 141 of 2019. observed in its order dated 05.11.2020 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. 23,30,004/- is ordered to be returned/refunded to the applicant as per rules.



Copy of this order be communicated to the Ld. Counsel for the parties and Ld. Haryana Real Estate Regulatory Authority, Panchkula.”

3. As per office record, a letter dated 18.11.2020 was received from the Hon'ble Real Estate Appellate Tribunal, Chandigarh via email. The contents of the said letter dated 18.11.2020 are reproduced are as follows:

No. H. Tri. -2020/3425-3427

Dated 18.11.2020
Appeal No. 141 of 2019

To

The Branch Manager,
Punjab National Bank,
Sector-17, Chandigarh.

Sub: Regarding refund of Rs. 23,30,004/- to TDI Infrastructure Ltd.

To the debit of our A/c : 0087001100000342 with you, please pay Rs.23,30,004/- (Rupees Twenty Three Lakh Thirty Thousand Four only) to TDI Infrastructure Limited Bank A/c No. 3092002100215052, Punjab National Bank, L-Block, Connaught Circus, New Delhi-110001, IFS code: PUNB0309200 as per order passed by Haryana Real Estate Tribunal, Chandigarh on 05.11.2020 in Appeal No. 141 of 2019 M/s TDI Infrastructure Ltd. vs Ravinder Kumar Nanda. Copy of the order of Appeal No. 141 of 2019 dated 05.11.2020 is also enclosed herewith.

SURJEET SINGH (AO)

RAMAN KUMAR (SUPERINTENDENT)
For Haryana Real Estate Tribunal,
SCO 50-51, 3rd Floor, Sector-17,
Chandigarh.

4. In view of the aforesaid letter dated 18.11.2020 received from Ld. Haryana Real Estate Tribunal, it is observed that the amount of Rs. 23,30,004/- was credited to account of TDI Infrastructure Ltd. and the said amount was not

transferred to the Authority. Hence, the application filed by the respondent promoter for return of said amount of Rs. 23,30,004/- has become infructuous. Therefore, the present complaint stands disposed of. File be consigned to the record room and order be uploaded on the official website of the Authority.



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RAJAN GUPTA
[CHAIRMAN]



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ANIL KUMAR PANWAR
[MEMBER]



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DILBAG SINGH SIHAG
[MEMBER]