

Ravinder Kumar
Vs.
Jindal Realty Pvt. Ltd.
Appeal No.464 of 2020

Present: Shri Umed Singh, Advocate, Ld. counsel for the appellant.

{The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court}

Office report perused.

Appeal be registered.

The present appeal has been preferred against the order dated 27.10.2020 passed by the Ld. Adjudicating Officer, Panchkula and the order dated 25.11.2020 passed by the Ld. Haryana Real Estate Regulatory Authority, Panchkula.

Ld. counsel for the appellant contended that the Ld. Authority was not justified to sine die adjourn the complaint as the arguments were already filed before the Ld. Authority. He contended that it was incumbent upon the Authority to decide the complaint. He has relied upon the case Surinder Gaur & Others Vs. V.K. Sabharwal, (1995) 111, PLR, 138. He further contended that the Ld. Authority was not obliged to grant adjournment suo moto without any application on behalf of any of the parties interested. Thus, he contended that the Ld. Adjudicating Officer and the Ld. Authority have failed in their duty to adjudicate the complaint.

We have duly considered the aforesaid contentions. We have perused the impugned order dated 27.10.2020 passed by the Ld. Adjudicating Officer which shows that this Tribunal vide order dated 10.08.2020 has transferred the case to the Adjudicating Officer while disposing of the appeal filed by the appellant bearing appeal No.1421 of 2019. The Ld. Adjudicating Officer has categorically mentioned that in Civil Writ Petition No.38144 of 2018 decided on 16.10.2020 titled as Experion Developers Pvt. Ltd. Vs. State of Haryana & Others, the Hon'ble High Court has observed that the Real Estate Regulatory Authority is competent to examine and determine the outcome of the complaint with

respect to the refund of the amount and interest. In view of that judgment of the Hon'ble High Court, the Ld. Adjudicating officer has directed the parties to appear before the Ld. Real Estate Regulatory Authority, Panchkula. So, there is nothing wrong in the impugned order dated 27.10.2020 as the Ld. Adjudicating Officer has acted as per the observations of the Hon'ble High Court in directing the parties to appear before the Ld. Authority.

The impugned order dated 25.11.2020 shows that the complaint filed by the appellant has been adjourned sine die to await the final decision of the Hon'ble Apex Court in SLP no.13093 of 2020 titled as M/s Sana Realtors Pvt. Ltd. Vs. Union of India & Others and SLP Nos.13238 and 13256 of 2020. It is categorically mentioned in the impugned order that the judgment dated 16.10.2020 passed by the Hon'ble High Court in CWP No.38144 of 2018 has been stayed by the Hon'ble Apex Court in the aforesaid SLPs.

As the Ld. Authority has adjourned the complaint sine die in view of the stay order passed by the Hon'ble Apex Court to await the decision of the Hon'ble Apex Court which will govern the fate of the complaint with respect to the forum of its trial, so we do not find any illegality in the impugned orders. Consequently, the present appeal is without any merits and the same is hereby dismissed.

Copy of this order be communicated to the appellant and the Ld. Haryana Real Estate Regulatory Authority, Panchkula.

File be consigned to the records.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)