

PROCEEDINGS OF THE DAY

Day and Date	Thursday and 03.01.2019
Complaint No.	413/2018 Case titled as Mr. Rajesh Gulati V/S Athena Infrastructures Ltd.
Complainant	Mr. Rajesh Gulati
Represented through	S/Shri Abhay Jain and Kamal Sharma, Advocates for the complainant.
Respondent	Athena Infrastructures Ltd.
Respondent Represented through	Shri Rahul Yadav, Advocate for the respondent.
Last date of hearing	19.12.2018
Proceeding Recorded by	Naresh Kumari & S.L.Chanana

Proceedings

Project is not registered with the authority.

Since the project is not registered, as such notice under section 59 of the Real Estate (Regulation & Development) Act, 2016 for violation of section 3(1) of the Act ibid be issued to the respondent. Registration branch is directed to do the needful.

Shri Abhay Jain, Advocate has appeared on behalf of the complainant and filed power of attorney.

Arguments heard on an application submitted by the complainant for revival of complaint which was dismissed vide order dated 19.12.2018 for

want of jurisdiction and the reply filed by the respondent has also been considered.

Counsel for the respondent has vehemently opposed the restoration of the complaint dismissed for want of jurisdiction on the ground that once the matter has attained finality, the authority has no power to review its own order whereas the counsel for the complainant is insisting for the sake of early decision in the matter, the complaint dismissed for want of jurisdiction be restored to its original number keeping in view the principle of natural justice.

Complainant is directed to file a fresh complaint before the authority and copy of the same be supplied to the counsel for the respondent to enable the authority to hear the matter on priority basis.

Application stands disposed of accordingly. File be consigned to the registry.

Samir Kumar
(Member)

Dr. K.K. Khandelwal
(Chairman)
03.01.2019