



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2016 OF 2019

Raheja Developers Ltd.

....COMPLAINANT

VERSUS

Pawan Kumar

....RESPONDENT

CORAM:

Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag

Chairman
Member
Member

Date of Hearing: 09.12.2020

Hearing: 9th

**Present through video conference: - Mr. Kamaljeet Dahiya, Advocate
Counsel for the complainant**

**Mr. Adesh Choudhary, Advocate
Counsel for the respondent**

ORDER (ANIL KUMAR PANWAR-MEMBER)

1. The relief sought is for issuing direction to respondent, the landowner of the project land, to discharge his legal obligations and to prohibit

him from causing hindrance in the construction of the project. The Authority has considered the matter in its previous hearing and was prima facie of the view that present complaint is not maintainable. The relevant order was passed expressing such view on 13.10.2020 and the observations made were as under:

3. It is observed that this Authority under the RERA Act has no jurisdiction to deal with the inter-se disputes between the promoter and the land owners. The Authority however, will have jurisdiction to protect the interest of the project as well as to protect the interest of the allottees. The current complaint, however is prime-face not maintainable before this Authority. This matter is being dealt with by the Authority in Suo-motu complaint No.1083 of 2019.

4. For the above reasons, the Authority proposes to dismiss this complaint as being not maintainable. Since nobody is present for the respondent, the matter is adjourned to 09.12.2020 when a final decision will be taken.

2. Today, learned counsel for the parties have not been able to convince the Authority as to how a dispute between a promoter and licensee-landowner of the project falls within the jurisdiction of this Authority. The Authority has jurisdiction only to deal with inter se disputes between the promoter and allottee. In case a developer of real estate project has some dispute with owner of the land forming real estate project, he can take a recourse for settlement of such dispute from Civil Court. It is not denied that a civil litigation is already pending between present complainant and the respondent/land owner. So, the complainant in case he perceives some kind of

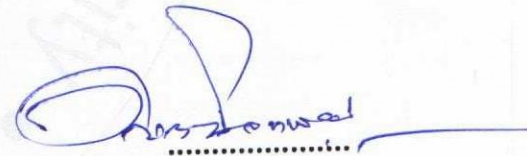
illegal activity on the part of the land owner vis-a-vis his right to develop the real estate project, he can seek redressal of his grievances from Civil Court by filing a suit for injunction. This Authority is not the proper forum for granting the relief of prohibitory or mandatory injunction against the licensee-owner of the land.

Viewed from above discussed perspective, the Authority has no hesitation to conclude that present complaint is not maintainable and the same is accordingly dismissed.

3. **Disposed of.** File be consigned to record room after uploading of the order on the website of the Authority.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]