

Keeping in view the amendments in Haryana Real Estate (Regulation and Development) Rules, 2017 vide notification no. Misc-862/1/83/2019/ITCP dated 12th, Sept, 2019 this complaint in its present form is not maintainable before the Adjudicating Officer. The relief sought by the complainant is other than compensation also. Accordingly, the complaint is disposed of with the direction to the registry to inform the complainant that as per rule 28 of the Haryana Real Estate (Regulation and Development) Rules, 2017 the complaint is to be filed in form CRA where claim of relief, direction/order and penalty proceedings under section 31 read with sections 35, 36, 37 and section 38 can be filed. The attention of the allottee shall also be drawn that if he decides to file claim for compensation, the same shall have to be filed separately in form CAO read with rule 29 of the rule ibid where the violation by the promoter has been established by the Authority in an inquiry under Section 35 of the Act.

The application for adjudging quantum of compensation as contained in sections 12, 14, 18 and 19 can only be made before the Adjudicating Officer to adjudge the quantum of compensation as per provisions mentioned in sub-section 3 of section 71 by taking into consideration the factors mentioned in section 72 in the manner as prescribed in rule 29. Accordingly, the matter is disposed of and file is transferred to the registry for further action.