



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Complaint no. 188 of 2021

Bharti Kulharia

....COMPLAINANT(S)

VERSUS

Umang Realtech Pvt. Ltd.

....RESPONDENT(S)

CORAM:

Rajan Gupta

Chairman

Dilbag Singh Sihag

Member

Date of Hearing: 01.04.2022

Hearing- 5th

Present: - Mr. Gaurav Kumar, learned counsel for the complainant through Video Conference
Mr. T.S. Khaira, Insolvency Resolution Professional
None present for respondent

ORDER (DILBAG SINGH SIHAG-MEMBER)

1. Present complaint has been filed for execution of orders dated 15.11.2018 passed in compliant no. 207/2018 titled as Bharti Khulharia v. M/S Umang Realtech Pvt. Ltd.. This complaint was decided in the similar terms of compliant no. 337/2018 titled as Raj Prakash v. Umang Realtech Pvt. Ltd. whereby the respondent was ordered to refund the entire amount along with interest permissible under the provisions of HRERA rules, 2017.

2. While perusing case file, it is observed that respondent company has been facing liquidation proceedings. A moratorium has already been imposed and IRP has also been appointed by National Company Law Tribunal.

3. Learned IPR present during hearing stated that moratorium will be applicable on all the projects of respondent. In such cases, the claims of complainant will be taken care by the IRP along with other claims. It will be appropriate for the complainant to file a complaint before IRP for his claims.

4. This complaint is disposed of with a direction to complainant to file a complaint before IRP. As far as the rights of the complainant before IRP is concerned, same shall be governed by the rules laid down by this Authority in complaint no. 383/2018 titled as Gurbaskh & Anr. Vs. ABW Infrastructure Pvt. Ltd. and Ors. Relevant paras are reproduced below:

18. The Directions issued in the forgoing Paras are summarized as follows:-

(i) The allottees of the project in question shall be treated as deemed owners of the project. The promoters of the project and the lending financial institutions cannot alienate the ownership rights of the allottees at their own level without their consent. Therefore, the claim of the allottees against the assets of the project shall be treated superior to any other right of any other person or entity including the financial institutions and/or other creditors.

(ii) If claims of the allottees are not satisfied fully from the assets of the project in question, they shall be treated creditors of the promoters at par with other creditors for satisfaction of their claims from the assets of the promoters other than the assets of the project in question.

[Handwritten signature]

5. Complaint is accordingly **disposed of**. Order be uploaded on the website and file be consigned to record room.



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RAJAN GUPTA
[CHAIRMAN]



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DILBAG SINGH SIHAG
[MEMBER]

