

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

**Appeal No.454 of 2021
Date of Decision: 18.05.2022**

M/s TDI Infrastructure Limited through its authorised signatory, Registered Office at: 10, Shaheed Bhagat Singh Marg, New Delhi-110001.

Appellant

Versus

Suresh Arya, Resident of H.No.218-L, Model Town, Sonapat, Haryana.

Respondent

CORAM:

Justice Darshan Singh (Retd),	Chairman
Shri Inderjeet Mehta,	Member (Judicial)

Present: Shri Rajnish Singh, Advocate learned counsel for the appellant (through telephone).
Shri Vikas Deep, Advocate, learned counsel for the respondent.

ORDER:

JUSTICE DARSHAN SINGH (RETD.) CHAIRMAN:

The present appeal has been preferred against the order dated 25.03.2021 passed by the learned Adjudicating Officer, Haryana Real Estate Regulatory Authority, Panchkula, in Complaint No.723 of 2018 filed by the respondent-allottee.

2. The respondent-allottee filed complaint seeking the following relief:-

- “a) The respondent be further directed to pay the statutory compensation, on amount deposited from their respective deposits till registration of Conveyance Deed of plot, as calculated in the statement of account, in the interest of justice.
- b) The respondent be further directed to pay the amount of Rs.1,80,000/- and Rs.38,125/-, received in excess, as per details mentioned above.”

3. Learned counsel for the appellant has contended that in view of the law laid down by the Hon'ble Apex Court in case **Newtech Promoters & Developers Pvt. Ltd. vs. State of UP & Ors. Etc. 2022(1) R.C.R. (Civil) 357**, the learned Adjudicating Officer has no jurisdiction to entertain the complaint and to pass the impugned order.

4. Learned counsel for the respondent has very fairly conceded the legal position. He stated that in view of the ratio of law laid down by the Hon'ble Apex Court in **Newtech Promoters'** case (Supra), the impugned order passed by the learned Adjudicating Officer cannot be sustained in the eyes of law and the case may be remitted to the learned Haryana Real Estate Regulatory Authority, Panchkula for fresh decision of the complaint filed by the respondent-allottee in accordance with law.

6. Consequently, the appeal is allowed, the impugned order dated 25.03.2021 is hereby set aside and the case is remitted to the learned Authority for fresh decision of the complaint in accordance with law.

7. Parties are directed to appear before the learned Authority on 28.06.2022.

8. The amount deposited by the appellant-promoter i.e. Rs.13,05,193/- with this Tribunal to comply with the provisions of Section 43(5) of the Real Estate (Regulation and Development) Act, 2016, along with interest accrued thereon, be sent to the learned Authority for disbursement to the appellant-promoter subject to tax liability, if any, as per law and rules.

9. The copy of this order be communicated to the parties/learned counsel for the parties and the learned Authority for compliance.

10. File be consigned to the record.

Announced:
May 18, 2022

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

Inderjeet Mehta
Member (Judicial)