



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		21
Day and Date	Thursday and 12.05.2022	
Complaint No.	CR/167/2021 Case titled as Carbyne Infrastructure Private Limited V/s Agrante Realty Limited & Ors.	
Complainant	Carbyne Infrastructure Private Limited	
Represented through	None	
Respondent	1. Agrante Realty Limited 2. Agrante Developers Private Limited 3. RK Associates 4. RMS Estates Private Limited 5. Narender Kumar Gupta 6. Yuvraj Singh	
Respondent Represented through	Shri Sanjeev Sharma, Advocate on behalf of respondent no. 1 and 2.	
Last date of hearings	02.02.2022	
Proceeding Recorded by	HR Mehta	
Proceedings		
File has been received on transfer from the Adjudicating Officer in view of the judgment dated 11.11.2021 passed by the Apex Court in the case bearing no. SLP(Civil) No(s). 3711-3715 OF 2021) titled as M/s Newtech Promoters and Developers Pvt Ltd Versus State of U.P. and Ors. as matters regarding refund and interest under sec 18(1) are to be decided by the authority and matters regarding adjudging compensation to be decided by the Adjudicating officer.		
The issue regarding the application filed in the form CAO as per the Haryana Rules 2017, whether the authority should proceed further without seeking		

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अर्तगत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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CR/167/2021

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fresh application in the form CRA for cases of refund along with prescribed interest in case allottee wishes to withdraw from the project on failure of the promoter to give possession as per agreement for sale, has been deliberated in the proceedings dated 10.5.2022 in **CR No. 3688/2021 titled Harish Goel Versus Adani M2K Projects LLP**. There is no material difference in the contents of the forms and the different headings whether it is filed before the adjudicating officer or the authority. Keeping in view the judgement of Hon'ble Supreme Court in case titled as **M/s Newtech Promoters and Developers Pvt Ltd Versus State of U.P. and Ors.**, the authority is proceeding further in the matter where allottee wishes to withdraw from the project and the promoter has failed to give possession of the unit as per agreement for sale irrespective of the fact whether application has been made form CAO/ CRA. Both the parties consented to proceed further in the matter accordingly. The Hon'ble Supreme Court has ruled that procedures are hand maid in the administration of justice and a party should not suffer injustice merely due to some mistake or negligence or technicalities.

The complaint has been filed on 15.01.2021. An application for deletion of name has been filed by respondent no. 3 stating that RK Associates being a placement/HR consulting company has never dealt with M/s Agrante Realty Limited Ors. or Carbyne Infrastructure Private Limited.

No written reply has been filed till date. The counsel appearing on behalf of the respondents stated at bar that he is going to file reply today itself.

Matter is adjourned to 15.9.2022 for further proceedings.

V1-5
Vijay Kumar Goyal
Member


Dr. KK Khandelwal
Chairman
12.05.2022

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