

Emaar India Limited Vs. Manish Sultania and Anr.
Appeal No. 27 of 2022

Present: Mr. Kunal Dawar, Advocate, along with
Ms. Tanika Goyal, Advocate,
for the appellant.

Mr. Sanjeev Sharma, Advocate,
for the respondent. (Appeal Nos.60 & 71of 2022)

Mr. Ashu Santokh Singh, Advocate,
(Appeal Nos. 28,29 & 442 of 2022)

Mr. Saksham Khunger, Advocate,
(Appeal No. 39 of 2022)

Mr. Parikshit Goyal, Advocate,
(Appeal No. 48 of 2022)

Ms. Preeti Manderna, Advocate
(Appeal No. 49 of 2022)

Mr. Ankush, Advocate
(Appeal No. 54 of 2022)

Mr. Minaxi Anand, w/o Mr. Arun Kumar
respondent in person
(Appeal No. 55 of 2022)

Mr. Arun Yadav Advocate,
(Appeal No. 57 of 2022)

Mr. Anmol Jindal, Advocate,
(Appeal No. 59 of 2022)

Mr. Amandeep Singh, Advocate
(Appeal No. 61 of 2022)

Mr. Sanyam Bhardwaj, Advocate,
(Appeal No. 66 of 2022)

Mr. Akshat Mittal, Advocate,
(Appeal No. 72 of 2022)

Ms. Mehak Sawhney, Advocate,
(Appeal No. 68, 73 of 2022)

Mr. Arun Sharma, Advocate,
(Appeal No. 608 of 2021)

Respondent ex-parte in Appeal no. 41 of 2022

Mr. Ambhanshu Sahni, Advocate
(Appeal Nos. 644 of 2021)

Mr. Narender Singh, Advocate,
(Appeal No. 38 of 2022)

Mr. Dawar submits that number of complaints have been
decided together and general directions have been given in para no.

245 of the impugned order. He submits that he has posed a challenge to the impugned order inter alia on the following grounds:

- (i) The sustainability of the order in so far as it decides general issues by clubbing number of complaints.
- (ii) Whether GST/HVAT amount can be refunded to the allottees; if so, whether interest is payable on such amount?
- (iii) Whether promoter is entitled to recover the electrification charges from the allottees?
- (iv) Whether grievance can be raised by those complainants who have already executed their conveyance deed, whether Section 55 of the Contract Act would be attracted in such cases?

Learned counsel for the allottees submit that since number of complaints pertain to the same promoter, the procedure adopted by the Authority is sustainable. According to them, general directions have been given on every issues with a specific direction that every allottee can ask for a separate decree. As per them brief facts have been delineated in the order in the shape of small charts giving calculations therein.

However, question which arises whether there is any provision enabling in the RERA Act for clubbing of the complaints. Admittedly, there is none. A question, thus, arises whether any regulation has been framed by the Authority in this regard, no clear answer is forthcoming from either side.

We, thus, deem it fit to seek clarification from the Authority regarding this query. Same be furnished within three weeks from today.

Registrar to communicate the copy of the order to the HRERA, Gurugram forthwith.

Adjourned to 10.01.2024.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)