



HARERA
GURUGRAM

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		11
Day and Date	Monday and 10.10.2022	
Complaint No.	CR/1196/2019 Case titled as SAKIB ZAMA Vs SPAZE TOWER PRIVATE LIMITED	
Complainant	1.Sakib Zama 2.Tufel Zama 3.Suhel Zama	
Represented through	Shri Aditya Raman Advocate	
Respondent	SPAZE TOWER PRIVATE LIMITED	
Respondent Represented	Shri J.K Dang Advocate Shri Pratysh Prasanna Advocate for R2	
Last date of hearing	26.07.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings The present complaint was filed on 27.12.2018 with the adjudicating officer and the reply on behalf of respondent was received on 10.08.2021. File has been received on transfer from 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., and wherein it was held that as matters regarding refund and interest under section 18(1) are to be decided by the authority and matters regarding adjudging compensation to be decided by the Adjudicating officer. On the last date of hearing, the respondent has stated at bar that Shri Ishaan Singh landowner/License holder of the said land/project be also impleaded as party/ Respondent No.2, as respondent No. 1 - Spaze Tower is not alone promoter under the provisions of RERA Act, 2016.		

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 अंतर्गत गठित प्राधिकरण
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
28/10/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

Keeping in view the above, the authority issued a notice to Shri Ishaan Singh landowner/License holder of the said land/project as to why he should not be impleaded as Respondent No.2 on the basis of record available in the file and license issued by the competent authority.

On the last date of hearing i.e., 28.10.2021, the counsel for complainant had assured to submit affidavit as to withdrawal of reliefs sought from Hon'ble High Court and NCLT. It is uncertain as to whether the complaints and writs before the Hon'ble High Court and NCLT are still pending or not. The counsel for the complainant confirms that both the complaints are pending before the Hon'ble High Court. Further that the complaint is also pending before NCLT wherein the order has been reserved.

The counsel further confirms that relief is being sought in the CWP filed before the Hon'ble High Court besides other reliefs and the said relief of refund is not yet got amended/withdrawn by filing an application before Hon'ble High Court. Although counsel for the complainant states that this relief of refund shall not be pressed before Hon'ble High Court and an undertaking to this effect has been submitted before the authority on 28.10.2021.

The counsel for the respondent has moved an application for dismissal of the complaint on the ground that the complainant is seeking the same reliefs which are already pending before the Hon'ble NCLT in case titled as Vivek Khanna and another versus Spaze Tower Pvt. Ltd. and before Hon'ble HC in CWP titled as Rajeev Chandwani and other versus Union of India and hence requests for dismissal of complaint as the complainant cannot be permitted to indulge forum shopping. The counsel for the complainant is directed to file reply to application within 15 days and in the registry of the authority after serving a copy to the respondent.

Further the authority vide order dated 11.05.2022 had directed to issue a notice to Shri Ishaan Singh landowner/license holder of the said project for appearing and filing written reply. An email notice had been issued to the Shri Ishaan Singh vide email dated 07.10.2022 but reply is awaited. Shri Ishaan Singh landowner seeks two weeks time to file the reply.

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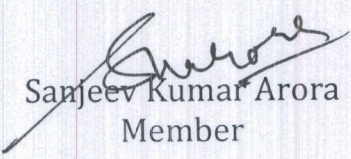
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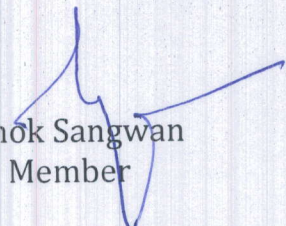
हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
CR 11/196/2019

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Matter to come up on 22.12.2022 for further proceedings.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
10.10.2022

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