



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		36
Day and Date	Tuesday and 17.10.2023	
Complaint No.	CR/1707/2019 Case titled as Vishakha Bist Vs Oasis Landmarks Llp	
Complainant	Vishakha Bist	
Represented through	Shri Aashish Sardana in person	
Respondent	Oasis Landmarks Llp	
Respondent Represented through	Shri Kapil Madan and Saurabh Gaba Advocates	
Last date of hearing	25.07.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings The present complaint was filed on 29.04.2019 and the reply on behalf of respondent has been received on 17.02.2021. Vide order dated 13.09.2021, the present complaint was disposed of by the adjudicating officer passed the following directions: - 1. As stated earlier, learned counsel for complainant submitted categorically that his client simply wants withdrawal from the project and refund of her amount, in view of said notification. The complaint, in hands, is thus allowed. Respondent is directed to refund amount paid by complainant till now. The same may deduct upto 10% of total sale consideration, according to notification mentioned above. As respondent failed to adhere to the directions of Harera, Gurugram, the same is directed to pay interest on said amount, @ 9.50% p.a. from the date of said notification i.e., 05.12.2018, till its realization of amount. The respondent is also burdened with cost of litigation of Rs.50,000/- to be paid to the complainant. Thereafter, the complainant/applicant filed an appeal against the order dated 13.09.2021, before the Haryana Real Estate Appellate Tribunal, Chandigarh. The said appeal was disposed of vide order dated 19.09.2022 with a direction		



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CR/1707/2019

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to the authority for fresh decision of the compliant in accordance with law. The parties are also directed to appear before the authority, Gurugram on 13.10.2022.

Objection has been filed by respondent no. 1 on 09.05.2023 seeking dismissal of present complaint in view of CWP no. 17120/2020 pending before Hon'ble Punjab and Haryana High Court and CC no. 88 of 2021 pending before State Consumer Dispute Redressal Commission, New Delhi.

The authority is of the view that the complainant has filed the writ petition and consumer complaint for seeking different relief as is sought in the present complaint. As far as relief of compensation is concerned, the authority has complete jurisdiction to decide the complaint regarding non-compliance of obligations by the promoter leaving aside compensation which is to be decided by the adjudicating officer if pursued by the complainants at a later stage. Thus, the present complaint is not barred by the principle of res sub judice and is maintainable. Thus, the application filed by the respondent no. 1 seeking dismissal of complaint stands rejected and please taken by respondent no.2 & 3 also stands rejected.

Matter to come up **09.01.2024** on for further proceedings.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member
17.10.2023