



**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 लाइंस, गुरुग्राम, हरियाणा

| PROCEEDINGS OF THE DAY         |                                                                                                                                                      | 34 |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Day and Date                   | Tuesday and 29.10.2024                                                                                                                               |    |
| Complaint No.                  | CR/1851/2022 Case titled as Clarion Properties Limited VS Experion Developers Pvt Ltd                                                                |    |
| Complainant                    | Clarion Properties Limited                                                                                                                           |    |
| Represented through            | Shri Lokesh Bhola Advocate                                                                                                                           |    |
| Respondent                     | 1. Experion Developers Pvt Ltd.<br>2. Anubhav Sharma<br>3. Mamta Sharma                                                                              |    |
| Respondent Represented through | S/Shri Venket Rao and Gunjan Kumar Advocates for Experion Developers Pvt Ltd for R1<br>Shri Prashant Sheoran Adv. for R2<br>None for respondent No.3 |    |
| Last date of hearing           | 09.08.2024                                                                                                                                           |    |
| Proceeding Recorded by         | Naresh Kumari and HR Mehta                                                                                                                           |    |

### Proceedings

The present complaint has been filed on 02.05.2022 and reply on behalf of respondent no. 1 and 2 was received on 24.05.2024 and 14.06.2024 respectively.

Thereafter, the respondent no. 1 has filed an application for deletion of its name as no privity of contract between the complainant and respondent No 1. The respondent no. 1 is not a party to the agreement to sell dated 05.05.2017, entered between the complainant and respondent no. 2. Therefore, only the respondent no. 2&3, should have been made party rather than initiating proceedings against respondent no. 1 without any cause of action arising against respondent no. 1. Further, all the averments made by the complainant



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CR/1851/2022

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in its complaint have been against the respondent no. 2&3 only and there is no averment made against the respondent no. 1.

The complainant has filed the reply to the said application stated that agreement to sell dated 05.05.2017, executed between the complainant and the respondent no. 2&3, the said project land is "Free from charges, lien or encumbrances and has a clear and marketable title". Further, vide registration bearing no. 329 of 2017 of the project has been granted in favour of respondent no. 1 and all the respondents are jointly and severally liable.

The counsel for the complainant states that so far as the application for deletion of respondent No.1 from the array of parties is concerned, the respondent No.1 has been made as proforma party and no specific relief is being sought against the respondent No.1. However, it is a necessary party as the project in which the unit in question is situated, is registered in the name of respondent No.1 which is the developer of the project.

The counsel for R1 applicant states that he has no concern with the matter and is not privy to the agreement between the complainant and rest of the respondents and therefore, no cause of action arises against R1. The counsel for R1 clarifies that registration of the project was obtained from interim RERA Panchkula and was limited to the extent of the units in their allocation and the said facts are objected by the counsel for the complainant.

Heard.

The authority considers R1 to be a necessary party as the project stands registered in the name of respondent No.1.

The respondent no. 2 filed an application dated 14.06.2024 for set aside the order dated 08.12.2023, along with demand drafts for the cost imposed by the Authority for non-filing of reply. The same is being allowed, in the interest of natural justice and the reply already filed is taken on record. Further, the respondent no. 2 is directed to file the fresh DD within a period of one month. Since previous DD has expired and were return back to respondent no. 2.



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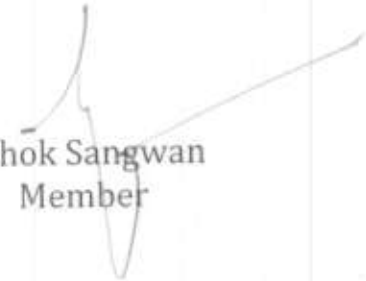
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The counsel for the complainant wishes to file rejoinder to both the reply which may filed within a period of 2 weeks with an advance copy to the respondents.

Matter to come up on **04.02.2025** for further proceedings.

  
Ashok Sangwan  
Member

  
Arun Kumar  
Chairman  
29.10.2024

  
Vijay Kumar Goyal  
Member