

new PWD Rest House, Civil Lines, Gurugram, Haryana-124 001. 41.54 N, 76.59 E. 14.03.2022

PROCEEDINGS OF THE DAY		14
Day and Date	Thursday and 21.07.2022	
Complaint No.	CR/2144/2022Case titled as Maya Gupta and Sourav Parkash Vs Spaze Towers Private Limited	
Complainant	Maya Gupta and Sourav Parkash	
Represented through	Shri Mohit Gondi Advocate	
Respondent	Spaze Towers Private Limited	
Respondent Represented	Shri Ashish Bhandari AR	
Last date of hearing	First hearing	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint was filed on17.05.2022and registered as complaint No. 2144 of 2022. As per the registry, complainant has sent copy of complaint along with annexures through speed post as well as through email and proof regarding having the delivery of the complaint along with annexures made to the respondent has been submitted by the complainant as available in the file. The registry of the authority sent a notice with a copy of the complaint along with annexures through speed post of which delivery confirmed on 16.06.2022as per the tracking report of the speed post available in the file. However, no reply has been received on behalf on the respondent till date. The counsel for the respondent has moved an application for mediation alongwith fee of Rs.5,000/- as the counsel requests for amicable settlement of the dispute with the complainant. 1. In view of provisions of section 25 read with section 32(g) of the Real Estate (Regulation and Development) Act, 2016. wherein the Authority is empowered to facilitate the growth and promotions of a healthy		



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HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

21/4/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम/हरियाणा

transparent, efficient and competitive real estate sector, it is necessary to take measures to facilitate amicable conciliation of dispute between the promoters and the allottees. A representation from **Spaze Towers Private Limited** for settlement has been received. In order to save time and money, it appears to the Authority that there exist elements of settlement of dispute which may be acceptable to the parties, The Authority hereby orders mediation under section 89 Code of Civil Procedure, 1908 in cases as given in annexure A through this referral order.

2. In order to prevent any misuse of the provision for mediation by causing delay in the proceedings/disposal of the case, the Authority while referring the matters for mediation, has decided to post the case for further proceedings on **13.10.2022** and hereby grant time to complete the mediation process within this reasonable time.
3. As held by the Supreme Court of India in **Afcons Infrastructure Ltd. and Anr. V. Cherian Varkey Construction Co. Pvt. Ltd. and Ors. (2010) 8 Supreme Court Cases 24**, having regard to their nature.

"All suits and cases of civil nature in particular the following categories of cases (whether pending in civil courts or other special tribunals/ forums) are normally suitable for ADR processes:

(xii) All cases relating to trade, commerce and contracts, including

- Disputes arising out of contracts (including all money suits);
- Disputes relating to specific performance;
- Disputes between suppliers and customers;
- Disputes between bankers and customers;
- **Disputes between developers/ builders and customers;**
- Disputes between landlords and tenants/ licensors and licensees;
- Disputes between insurer and insured.



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21/07/2022

New PWD Rest House, Civil Lines, Gurugram, Haryana पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

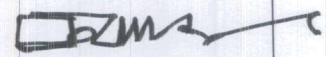
4. The Authority hereby orders that the mediation reports be placed before the Authority for passing consequential orders. The parties are directed to remain present personally or through their authorized representative in the proceedings before the Authority.
5. If the agreement is found to be lawful and enforceable, the Authority will act upon the terms and conditions of the agreement and pass consequential orders. To overcome any technical or procedural difficulty in implementing the settlement between the parties, it is open to the Authority to modify or amend the terms of settlement with the consent of the parties.

Both the parties are directed to appear before the mediation centre on **26.08.2022**.

However if the matter is not settled in the mediation, the counsel for the respondent is directed to file reply within 2 weeks after the date of mediation.

Matter to come up on **13.10.2022** for further proceedings.


Vijay Kumar Goyal
Member


Dr. KK Khandelwal
Chairman
21.07.2022