



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		55
Day and Date	Tuesday and 15.02.2022	
Complaint No.	CR/2163/2019 Case titled as Pavel Garg VS Krrish Green Homes Private Limited	
Complainant	Pavel Garg	
Represented through	Shri Vikas Deep Advocate	
Respondent	Krrish Green Homes Private Limited	
Respondent Represented through	Shri M.K. Dang Advocate	
Last date of hearing	08.12.2021	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings through VC

At the outset, the counsel for the respondent has drawn the attention of the authority towards the two objections that are being raised by him in its reply and submitted that the above-mentioned complaint is not maintainable before this authority.

Firstly, the complainant as per section 2 (d) of the Act, 2016 does not fall within the ambit of definition of "allottee". It has been mentioned that no plot, apartment or building has been allocated or transferred to the complainant as is evident from the bare perusal of the MoU.

Secondly, the complaint is bad for non-joinder of the necessary parties. It is submitted that Sh. Amit Katyal and Sh. Rajesh Katyal are necessary parties to the complaint in lieu of the clause 3.6 of the Schedule-III of the Shareholder cum Share subscription agreement dated 28.02.2014.

Though the complainant rebutted these pleas and submitted that he very well comes under the definition of the allottee u/sec 2(d) of the Act vide MOU dated 10.06.2013. Further w.r.t second objection, the counsel for the complainant submitted that it's the internal arrangement of the respondent and the complainant has nothing to do with the same.

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



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CR No 2163/2017

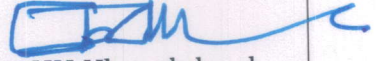
New PWD Rest House, Civil Lines, Gurugram, Haryana

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

In view of the submissions made by both the parties, the complainant is directed to file written submissions with regard to the above objections i.e., whether the complainant comes under the definition of the allottee u/sec 2(d) of the act or not and whether the complaint is bad for non-joinder of the necessary parties or not; along with details w.r.t the promised date of handing over of possession of the apartment to the complainant, in the registry of the authority within 15 days with an advance copy to the respondent. Thereafter, the respondent may also file objections w.r.t the written submissions as filed by the complainant, if any.

Matter to come up on **01.04.2022** for further proceedings.

V.I - S
Vijay Kumar Goyal
Member


Dr. KK Khandelwal
Chairman
15.02.2022