

PROCEEDINGS OF THE DAY		18
Day and Date	Tuesday and 16.01.2024	
Complaint No.	CR/3572/2020 Case titled as Silverglads Infrastructure Private Limited VS Atika Jain	
Complainant	Silverglads Infrastructure Private Limited	
Represented through	Shri Harshit Batra Advocate	
Respondent	Atika Jain	
Respondent Represented	Shri Ambuj Ojha, proxy counsel	
Last date of hearing	05.12.2023	
Proceeding Recorded by	Naresh Kumari and HR Mehta	
Proceedings		
The present complaint was filed on 21.10.2020. However, the respondent has jointly filed reply in CR/3572/2020 and CR/3295/2020 on 26.07.2021. The aforesaid complaint was decided by the authority vide order dated 28.09.2021 observing as under: <i>"No Bullder Buyer Agreement has been signed inter-se the parties. Keeping in view the norms of good conduct behaviour, the complainant is directed to refund the amount after deducting 10% of the total sale consideration, as per the provisions of RERA Regulation No. 11/RERA GGM Regulations 2018 dated 5th December, 2018. As such, the matter stands disposed of. File be consigned to the registry."</i> Thereafter, the complainant/promoter filed an appeal against the said order before the Hon'ble Haryana Real Estate Appellate Tribunal, Chandigarh and the said appeal was disposed of vide order dated 10.08.2023, while observing as under: <i>"4. A bare perusal of the order shows that the same is cryptic in nature and not informed by elaborate reasoning. The facts of the case are not reflected anywhere in the order. A perusal of the order conveys the impression that the same is nature of "proceedings". There is nothing to show that the final order/decreed was to be passed on the said date."</i>		



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा मू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. हा. विभाग गृह, सिविल लाईन, गुरुग्राम, हरियाणा

5. We do not intend to express any opinion on the pleas raised by either counsel on merits of the case as we find that the order is unsustainable being short, non-speaking and cryptic. Under these circumstances, we set aside the impugned order dated 28.09.2021 and remit the matter to the Authority for decision afresh at the earliest, in any case, not later than two months after affording opportunity of hearing to both the parties. The appeal is allowed."

The complainant has moved an application dated 12.09.2023 for listing of the matter in view of the order dated 10.08.2023 passed by Hon'ble Appellate Tribunal.

The complainant is seeking direction to the respondent to execute the BBA and to make the outstanding dues and take possession of the unit.

The respondent has contended that the said flat was booked by Late Sh. Anil Jain father of respondent Atika Jain. Sh. Anil Jain expired on 02.07.2016. The respondent suffered huge financial setback, therefore no payment was made. Respondent has not paid any amount after March 2014. The respondent requested for cancellation of booking and refund of the amount.

The complaints appearing at Serial no.15 to 19 are connected matters and shall be heard together on the next date of hearing.

Matter to come up on 19.3.2024 for further proceedings.


Ashok Sangwan
Member


Arun Kumar
Chairman
16.01.2024