



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		53
Day and Date	Tuesday and 10.05.2022	
Complaint No.	CR/3748/2021 Case titled as GURPREET SINGH KALSI Vs AGRANTE DEVELOPERS PRIVATE LIMITED	
Complainant	GURPREET SINGH KALSI	
Represented through	Shri Narender Singh, proxy counsel of Ms Shobna Takia, Advocate	
Respondent	AGRANTE DEVELOPERS PRIVATE LIMITED	
Respondent Represented through	Shri Sanjeev Thakur, G.M.Legal and Shri Satish Kumar, A.R.	
Last date of hearing		
Proceeding Recorded by	H.R.Mehta	
Proceedings through VC Shri Tarun Vishvas, Advocate made a request through AR that adjournment may be given on account of illness. File has been transferred from the court of Adjudicating Officer in view of the judgment dated 11.11.2021 passed by the Apex Court in the case titled as <i>M/s Newtech Promoters and Developers Pvt Ltd Versus State of U.P. and Ors.</i> as matters regarding refund and interest under sec 18(1) are to be decided by the authority and matters regarding adjudging compensation to be decided by the Adjudicating officer. The issue regarding the application filed in the form CAO as per the Haryana Rules 2017, whether the authority should proceed further without seeking fresh application in the form CRA for cases of refund alongwith prescribed interest in case allottee wishes to withdraw from the project on failure of the promoter to give possession as per agreement for sale, has been deliberated in the proceedings dated 10.5.2022 in CR No. 3688/2021. Titled Harish Goel Versus Adani M2K Projects LLP. There is no material difference in		

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



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CR/3948/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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the contents of the forms and the different headings whether it is filed before the adjudicating officer or the authority. Keeping in view the judgement of Hon'ble Supreme Court in case titled as **M/s Newtech Promoters and Developers Pvt Ltd Versus State of U.P. and Ors.**, the authority is proceeding further in the matter where allottee wishes to withdraw from the project and the promoter has failed to give possession of the unit as per agreement for sale irrespective of the fact whether application has been made in form CAO or CRA. Both the parties consented to proceed further in the matter accordingly. The Hon'ble Supreme Court has ruled that procedures are hand maid in the administration of justice and a party should not suffer injustice merely due to some mistake or negligence or technicalities

The present complaint was filed on 08.10.2021. On the first date of hearing i.e. 22.11.2021, despite proper service of notice through e-mail on 18.10.2021 and through post on 21.10.2021, 25.10.2021 & 28.10.2021, no reply has been filed by the respondent. A reminder vide email dated 07.05.2022 was also send to the respondent.

AR of the respondent company appeared before the authority and seeks short adjournment for filing of reply. Last and final opportunity is being granted to the respondent with a direction to file the reply within two week of this order i.e. by 24.05.2022 with an advance copy to the complainant subject to the cost of Rs.10,000/- to be paid to the complainant. In case reply is not filed within the time allowed, the complaint shall be proceeded ex-parte.

Matter to come up on 15.9.2022 for further proceedings.

V.1 -
Vijay Kumar Goyal
Member

Dr. KK Khandelwal
Chairman
10.05.2022

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