

PROCEEDINGS OF THE DAY		60
Day and Date	Tuesday and 10.05.2022	
Complaint No.	CR/3857/2021 Case titled as BEG RAJ AND BALA DEVI Vs AGRANTE DEVELOPERS PRIVATE LIMITED	
Complainant	BEG RAJ AND BALA DEVI	
Represented through	Shri Raghvendra Singh, 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

File has been transferred from the Adjudicating Officer in view of the judgment dated 11.11.2021 passed by the Apex Court in the case titled **as M/s Newtech Promoters and Developers Pvt Ltd Versus State of U.P. and Ors.** 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 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 cae titled as **M/s Newtech Promoters and**



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CA/3857/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

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 **11.10.2021** and registered as **complaint no. 3857 of 2021**. As per the registry, complainant has sent copy of complaint along with annexures through speed post. The same is shown to be "Not delivered". The tracking reports of the postal authorities has been submitted by the complainant on the initial pages of the complaint. The registry of the authority sent a notice with a copy of the complaint along with annexures through speed post and the same is also delivered on 28.10.2021. Registry has also sent the notice along with a copy of the complaint through email at:

suniljogpalandassociates@gmail.com and agrantefinance.com

The same is shown to have been delivered on 18.10.2021, on the above email addresses as per the report available in the file.

No written reply has been filed till date. The AR for the respondent has appeared and request adjournment for filing reply. The respondent is directed to file reply within two weeks i.e. by 24.05.2022 in the registry with an advance copy to the complainant subject to cost of Rs. 5,000/- to be paid to the complainant. In case reply is not filed within the time allowed, the defence of the respondent may struck off.

Matter to come up on **15.9.2022** for further proceedings


Vijay Kumar Goyal
Member

Dr. KK Khandelwal
Chairman
10.05.2022

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