

PROCEEDINGS OF THE DAY		54
Day and Date	Thursday and 15.09.2022	
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 Raghvinder Singh, Advocate	
Respondent	AGRANTE DEVELOPERS PRIVATE LIMITED	
Respondent Represented through	Shri Tarun Biswas, Advocate	
Last date of hearing	10.5.2022	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

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 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 along with 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 case titled as **M/s Newtech Promoters and Developers Pvt**

CR/3851/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

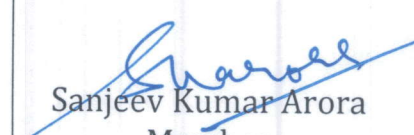
नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

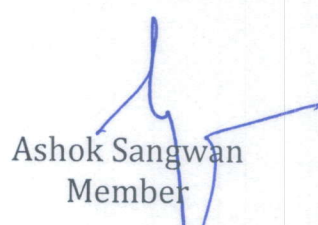
Ltd Versus State of U.P. and Ors., the authority is proceeding further in the matter where allottee wishes to withdraw from the project and the promoter has failed to give possession of the unit as per agreement for sale irrespective of the fact whether application has been made form CAO/ CRA. Both the 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 complaint has been filed on 11.10.2021. On the last date of hearing i.e., 10.05.2022, the respondent has put in appearance through Shri Sanjeev Thakur, G.M. Legal and Shri Satish Kumar, A.R. The respondent was further directed to file the reply by 24.05.2022 along with a cost of Rs. 5,000/- to be paid to the complainants. However, no reply has been filed by the respondent till date.

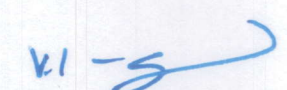
The counsel appearing on behalf of the respondent has supplied the copy of the reply to the counsel for the complainant and the reply is being filed in the registry today itself. The respondent is directed to file the reply in the registry alongwith previous costs within 3 days.

Matter to come up on **15.12.2022** for further proceedings.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member

15.09.2022


Vijay Kumar Goyal
Member