



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

7

Day and Date	Wednesday and 25.10.2023
Complaint No.	CR/4043/2021 Case titled as Vijay Gupta V/S Krrish Realtech Private Limited
Complainant	Vijay Gupta
Represented through	Ms. Ashu Arora Advocate
Respondent	Krrish Realtech Private Limited
Respondent Represented	Shri Enosh Nithin Advocate for R1 Shri Mayank Grover and Ms. Gauri P. Desai Advocate for R2 - M/s Brahma City Pvt. Ltd
Last date of hearing	26.07.2023
Proceeding Recorded by	Naresh Kumari

Proceedings

The present complaint has been filed by the complainant seeking possession of the subject plot and delay possession charges for the delay caused in handing over the possession of the subject plot.

The complainant has filed an application for impleadment of M/s Brahma City Pvt. Ltd. On the last date of hearing respondent no. 1 was given one week time for filing reply of the impleadment application along with cost of Rs.15,000/-. However, reply to the said application has not been filed by it till date. The counsel for the respondent No.2 objects to the impleadment of application on the ground that there is no agreement signed between proposed respondent and the complainant w.r.t the present project. Further, it submitted that the proposed respondent is a complete distinct and separate entity and is not connected or concerned with the existing respondent i.e., M/s Krrish Realtech Pvt. Ltd. Also, vide settlement agreement dated 06.08.2012, the respective land areas/plots were bifurcated and segregated into "Brahma Allocation" and

"Krrish Allocation" respectively and vide undertaking-cum-indemnity dated 24.04.2019 it was agreed upon that obligation to develop an construct their respective allocations shall be that of respective parties. The liability of the unit allotted to the complainant was undertaken by Krrish Realtech Pvt. Ltd. The respondent no.2 further submits that the dispute w.r.t the allocation of the plots inter se the respondents i.e. M/s Brahma City Pvt. Ltd. and M/s Krrish Realtech Pvt. Ltd. has been referred by the Hon'ble Apex Court to the Hon'ble High Court of Punjab and Haryana vide its order dated 11.01.2023. Therefore, any adjudication or further proceedings in the captioned complaint may be undertaken by this Authority post the outcome in the CWP no. 2926 of 2022.

Arguments heard. In the interest of justice, the application for impleadment of M/s Brahma City Pvt. Ltd as a party is allowed.

The authority observes that the dispute w.r.t the allocation of the plots inter se the respondents i.e. M/s Brahma City Pvt. Ltd. and M/s Krrish Realtech Pvt. Ltd. has been referred by the Hon'ble Apex Court to the Hon'ble High Court of Punjab and Haryana vide its order dated 11.01.2023 with the following directions:

"... Therefore, without expressing any opinion on merits, we maintain the order of status quo granted by this court on 19.05.2022 and allow the High Court to dispose of the petition on its own merits and in accordance with law.

Since this court has undertaken the exercise of securing the report from the Special Referee, the reports dated 02.11.2022 and 24.11.2022 along with the objections filed to the same be sent to the High Court to be taken on record of CWP No. 2926 of 2022 so as to enable the High Court to refer to the same if it becomes necessary during the process of hearing. If any further request is to be made to the Special Referee, the High Court may consider the same. All contentions of parties are left open to be urged before the High Court.

Considering that large number of allottees/site purchasers are awaiting the development of the property to which they seek certain rights, we request the High Court to expedite the hearing of the petition and if for any reason, the petition itself cannot be taken up for disposal, if any interim orders/arrangements are to be made in this regard also, the High Court may apply its mind. All contentions in this regard are also left open.

...

The petition is disposed of in the aforesaid term..."



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CR 4043/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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Since, the case is pending before the Hon'ble Punjab and Haryana High Court in CWP no. 2926 of 2022 and listed for 11.12.2023.

Matter to come up on **24.01.2024** for further proceedings.


Ashok Sangwan
Member
25.10.2023