PROCEEDINGS OF THE DAY	35
Day and Date	Friday and 12.05.2023
Complaint No.	CR/4648/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
Complainant	Dalmia Family Office Trust
Represented through	Shri Rahul Bhardwaj Advocate
Respondent	Almonds Infrabuild Private Limited
Respondent Represented through	Shri Deeptanshu Jain Advocate
Last date of hearing	06.12.2022
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings

The counsel for the complainant states that he has filed an application for amendment of relief as well as reply to the query of maintainability of the main complaint raised by the counsel for the respondent.

The counsel for the respondent states that once the question of maintainability is raised by him, the amendment of a relief/amendment in main complaint should not be allowed and rather the question of maintainability should be decided first.

The counsel for the complainant states that he has filed an application for the interim relief, long back but the reply of the same is still awaited.

The counsel for the respondent states that they are handing over the reply to the application for interim relief just now during the course of proceedings and shall be filed in the registry of the authority by Monday i.e.15.05.2023. However, he further states that still in the interim relief application, the complainant is not clarifying the position of ownership of the flats vis-a-vis interim arbitration order.

The counsel for the respondent states that it was a sort of financial arrangement between the complainant and the respondent and the

respondent had issued certain allotment letters and signed BBA of those units. However, there was a master agreement signed by both the parties which states that the complainant shall not invoke the BBA to take possession, rather, shall take back the money from the respondent as per agreed terms mentioned in master agreement and still the complainant filed a case in High Court from where an arbitrator was appointed and the arbitrator given an interim order dated 12.11.2021 as per page 11 to 27 of the reply (Annexure R2).

The counsel for the complainant states that although the settlement talks are going on still he wants to pursue his application for interim relief, however, reply to the application of interim relief filed on 02.09.2022 has been filed today during the proceedings and the same is yet to be filed in the authority and the authority has yet to review it. Hence, the interim relief application dated 02.09.2022 is being fixed for arguments on 26.05.2023 alongwith main complaint.

Part arguments heard.

Both the counsels are directed to file written submissions regarding maintainability within a period of 10 days with an advance copy to each other otherwise the authority is bound to proceed further exparte or on basis of records available in the file of the authority. This should be treated as final and last opportunity for filing the written submissions.

Matter to come up on ***26.05.2023*** for further proceedings and arguments.

Sanjeev Kumar Arora
Member
12.05.2023