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HARYANA REAL ESTATE REGULATORY AUTHORITY
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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		79 - 104
Day and Date	Tuesday and 09.04.2024	
Complaint No.	CR/4752/2021 Case titled as Dalmia Family Office Trust VS Anand Divine Private Limited CR/4753/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited CR/4812/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited CR/4808/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited CR/4787/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited CR/4774/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited CR/4789/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited CR/4754/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited CR/4803/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited CR/4804/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited	



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	CR/4805/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited
	CR/4810/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited
	CR/4809/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited
	CR/4776/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited
	CR/4788/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited
	CR/4777/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited
	CR/4811/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited
	CR/4778/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited
	CR/4751/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited
	CR/4749/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited
	CR/4775/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited



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	CR/4743/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited CR/4741/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited CR/4744/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited CR/4742/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited CR/4745/2021 Case titled as Dalmia Family Office Trust Vs Anand Divine Private Limited.
Complainant	Dalmia Family Office Trust
Represented through	S/Shri Sagar Chawla and Sidhant Kumar Advocates
Respondent	Anand Divine Private Limited
Respondent Represented through	Shri Deepanshu Jain, Advocate
Last date of hearing	05.01.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta
Proceedings	
The Since common questions of law and facts are involved in the below-mentioned complaints, so for disposal of same, the facts of complaint bearing no. CR/4752/2021 titled as Dalmia Family Office Trust Vs Anand Divine Private Limited is considered.	



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CR/4752/2021

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The present complaint has been received on 24.12.2021 and reply on behalf of respondent has been filed on 01.09.2022. The complainant filed application for amendment of relief dated 02.09.2022 and application under Section 36 of Act for issuing interim order.

During the course of proceedings dated 01.09.2022, the aforesaid applications were supplied to the respondent and vide proceedings of even date, the respondent was directed to file reply to the said applications. Further, both the parties were also directed to file written submissions w.r.t maintainability of the complaint particularly in view of the arbitration proceedings being held parallel to proceedings under RERA.

However due to noncompliance by the complainant, it was decided during the preceeding dated to 13.10.2023 imposes a further penalty of Rs. 5 Lakhs under section 67 of the Act, 2016 to be deposited within one week alongwith previously imposed penalty of Rs.50,000/- and to file the written submissions to the application on maintainability. It shall be the last opportunity. Matter was fixed for **09.04.2024** before the full bench for further proceedings.

The respondent through its written reply has challenged the complaint on the ground that the similar complaint is already pending before Justice Swatenter Kumar (Retd.) in the arbitration case no. 5 of 2021. But the complainant has not disclosed the facts that the present case is also pending before the other court and hence is liable to be dismissed on this ground. It has further contended that the complainant is asking for relief of possession for the very first time by this complaint only and had never demanded the possession of the unit. It also submitted in view of ongoing settlement, it has handed post-



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CR/4752/2024

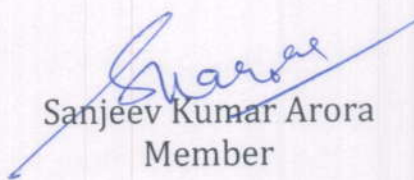
New PWD Rest House, Civil Lines, Gurugram, Haryana नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा


dated cheques and 42 units as security towards payment. And hence is not covered in definition of allottee and this complaint is not maintainable before this Authority.


However the counsel for the complainant has stated that simultaneously both the cases filed by the complainant can be heard as per Section 88 ad 89 of Act of 2016.

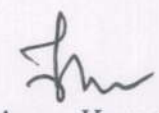
Arguments heard.

Matter to come up on **30.07.2024** for orders on the maintainability. Meanwhile the parties may file brief written submissions within a period of 3 weeks with an advance copy to each other.


Sanjeev Kumar Arora
Member


Ashok Sangwan
Member


Vijay Kumar Goyal
Member


Arun Kumar
Chairman
09.04.2024