

PROCEEDINGS OF THE DAY		7
Day and Date	Tuesday and 13.12.2022	
Complaint No.	CR/4829/2020 Case titled as Vinod Kumar Vs Elan Buildcon Private Limited	
Complainant	Vinod Kumar	
Represented through	Shri Rajan Kumar Hans Advocate	
Respondent	Elan Buildcon Private Limited	
Respondent Represented	None	
Last date of hearing	Remand back case	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings

Vide order dated 20.08.2021 the present complaint was disposed off by the Adjudicating Officer. The respondent-promoter has filed the appeal against the aforesaid order before the Appellate Tribunal.

Vide its orders dated 25.4.2022 the present case has been remanded back by the Appellate Tribunal in the Appeal No.560 of 2021 filed M/s Elan Buildcon Pvt. Ltd.

The present appeal has been preferred by M/s Elan Buildcon Pvt. Ltd. against the orders dated 20.8.2021 passed by the Adjudicating Officer where by the complaint filed by the respondent-allottee for refund of the entire amount paid by him to the appellate promoter alongwith interest. The Hon'ble Appellate Tribune has allowed the said appeal in view the judgement passed by the Apex Court in case M/s Newtech Promoters and Developers Pvt. Ltd. Versus State of UP and ors. as the Adjudicating Officer was not competent to entertain, adjudicate upon and grant the relief of refund with interest. It was only the Regulatory Authority which had jurisdiction to deal with the complaint filed by the respondent-allottee. Keeping in view the above discussions, the Appellate Tribunal has set aside the orders of the Adjudicating Officer dated 20.8.2021 and the case is remitted for fresh trial in accordance with law to the Learned Haryana Real Estate Regulatory Authority, Gurugram. The parties are



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम
CR/4829/2020

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.जी. विभाग गृह विभाग, लाईंस, गुरुग्राम, हरियाणा

directed to appear before the authority on 25.5.2022. Besides the amount deposited by the appellate-promoter i.e. Rs.16,18,443/- with this Tribunal to comply with the provisions of Section 43(5) of the Act be returned/refunded to the appellant-respondent alongwith interest accrued thereon, in accordance with law/rules and of course subject to tax liability, if any.

The counsel for the complainant has filed an application dated 6.6.2022 for listing of the above case as the cause list of 25.5.2022 is not having he abovesaid matter listed. The notice to both the parties was sent through email dated 03.10.2022.

The case was listed today for arguments but none is present on behalf of the respondent. One more opportunity is being given to the respondent to put in appearance on next date of hearing failing which matter shall be proceeded exparte. This shall be the last opportunity.

Matter to come up on 01.02.2023 for further arguments.


Sanjeev Kumar Arora
Member


Vijay Kumar Goyal
Member
13.12.2022