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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		32 - 78
Day and Date	Tuesday and 09.04.2024	
Complaint No.	CR/4685/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited CR/4648/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited CR/4696/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited CR/4695/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited CR/4639/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited CR/4649/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited CR/4641/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited CR/4699/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited CR/4684/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited CR/4589/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited	



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CR/4695/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

	CR/4698/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4687/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4638/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4640/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4832/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4844/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4835/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4853/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4736/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4697/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4848/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited



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CR/4625/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

	CR/4725/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4833/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4734/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4836/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4737/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/910/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4834/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4840/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4831/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4855/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4727/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited



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CR/4685/2021

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

	CR/4854/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4842/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4847/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4735/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4843/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4726/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4850/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4686/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4912/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4913/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
	CR/4916/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited



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	CR/4915/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited CR/4914/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited CR/4917/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited CR/4918/2021 Case titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited
Complainant	Dalmia Family Office Trust
Represented through	S/Shri Sagar Chawla and Sidhant Kumar Advocates
Respondent	Almonds Infrabuild Private Limited
Respondent Represented	Shri Deeptanshu Jain Advocate
Last date of hearing	05.01.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta
Proceedings	
<p>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/4686/2021 titled as Dalmia Family Office Trust Vs Almonds Infrabuild Private Limited is considered.</p> <p>The present complaint has been received on 22.12.2021 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. The complainants are seeking delayed possession charges and possession of the units.</p>	



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CR/4685/2021

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Vide proceedings dated 12.05.2023 it was noted that inspite of directions of the Authority passed on 12.05.2023 for both the counsels to file written submissions with regard to maintainability issue but the complainant have failed to file the written submissions till date. Shri Sidhant Kumar Advocate on behalf of the complainant (s) appeared and sought time to file power of attorney and to place on record certain citations in favour of the maintainability of the matter. The counsel for the respondent vehemently opposed the request of the advocate appearing on behalf of the complainant and states that the right of the complainant to file response should be struck off he had to file the reply within 15 days as per proceedings dated 12.05.2023 and neither the penalty has been deposited in the registry of the authority nor the written submissions has been submitted which is again a violation of directions of the authority.

However due to noncompliance by the complainant , it was decided during the proceeding 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 also submitted in view of ongoing settlement, it has handed post-dated cheques and 42 units as security towards payment and hence is not covered in definition of an 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.



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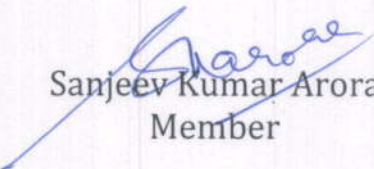
CR/4685/2024

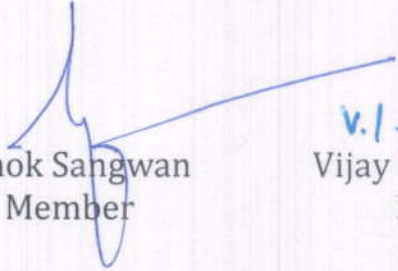
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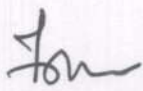
Arguments heard.

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