

| PROCEEDINGS OF THE DAY         |                                                                                                   | 48 |
|--------------------------------|---------------------------------------------------------------------------------------------------|----|
| Day and Date                   | Wednesday and 03.08.2022                                                                          |    |
| Complaint No.                  | CR/5152/2021 Case titled as Neeraj Bhagat and Vandana Bhagat Vs Manglam Multiplex Private Limited |    |
| Complainant                    | Neeraj Bhagat and Vandana Bhagat                                                                  |    |
| Represented through            | Shri Vivek Kishore Advocate                                                                       |    |
| Respondent                     | Manglam Multiplex Private Limited                                                                 |    |
| Respondent Represented through | Ms. Shriya Takkar Advocate                                                                        |    |
| Last date of hearing           | 31.05.2022                                                                                        |    |
| Proceeding Recorded by         | Naresh Kumari and HR Mehta                                                                        |    |

### Proceedings

The complainants have filed an application u/s 36 on 17.02.2022 and the authority vide its orders dated 02.03.2022, directed the respondent not to create any third-party rights on the unit till the next date of hearing. Further, the complainants were also directed to pay the "undisputed amount" within 15 days to the respondent. i.e. by 16.03.2022. The complainants have not come forward to make payment of undisputed dues nor has taken the possession of the allotted unit. It is pertinent to note that the interim stay was only till next date of hearing fixed for 20.04.2022.

Now the respondent has filed an application on 16.05.2022 seeking early hearing and vacation of stay order issued by the authority vide interim order dated 02.03.2022 wherein the respondent builder contended that he is suffering irreparable financial loss as the complainants have failed to comply with the orders dated 02.03.2022.

In compliance of the order of the authority dated 02.03.2022, the complainants have not paid even undisputed amount to the respondent till date nor came



**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 लाईन्स, गुरुग्राम, हरियाणा

forward to take possession of the unit. Hence, the stay granted with respect to not to create third party rights is vacated.

The counsel for the respondent has placed on record a copy of orders dated 22.07.2022 passed by the Appellate Tribunal in appeal bearing No. 489 of 2022 titled as Neeraj Bhagat and another versus Manglam Multiplex Private Limited vide which the Hon'ble Tribunal has passed the following orders:-

*Ld. Counsel for the appellants has submitted that the Ld. Authority vide order dated 02.03.2022 had directed the respondent not to create third party rights on the unit allotted to them. However, subsequently that interim stay was vacated by the Ld. Authority vide impugned order dated 31<sup>st</sup> May 2022 without providing any opportunity of being heard to the appellants.*

*Let notice of the present appeal be served upon the respondent for 31<sup>st</sup> August 2022 on filing the copies of the paper book and registered cover etc. without four days.*

*Till then, respondent is restrained from creating third party rights qua the unit allotted to the appellants.*

In view of the above, the matter is adjourned sine die till the final outcome of the Appellate Tribunal. File be consigned to the registry.

*V.K. - 3*  
Vijay Kumar Goyal  
Member

Dr. KK Khandelwal  
Chairman  
03.08.2022