



## **HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA**

Website: [www.haryanarera.gov.in](http://www.haryanarera.gov.in)

### **BEFORE THE ADJUDICATING OFFICER COMPLAINT NO.1124 of 2021**

Hemwent Silswal

.....COMPLAINANT

VERSUS

RPS Infrastructure Ltd.

.....RESPONDENT(S)

**Date of Hearing: 16.03.2022**

**Hearing: 4<sup>th</sup>**

**Present:-** Mr. Rishav Soni, Counsel for the complainant through VC.  
Ms. Manpreet Kaur, Counsel for the respondent through VC.

#### **ORDER:-**

The case was being adjourned awaiting decision in SLP No. 13005 of 2020 titled as M/s. Sana Realtors Pvt. Ltd. vs. Union of India & Ors. and SLP No. 13238-13256 of 2020 pending before Hon'ble Apex Court.

2. The issue of jurisdiction to decide refund matters is pending adjudication before Hon'ble Apex Court in SLP No. 13005 of 2020 titled as M/S. SANA Realtors Pvt. Ltd. vs. Union of India. In CWP No 6745-6749 of 2021 titled as Newtech Promoters and Developers Pvt. Ltd. vs. State of UP and others alongwith a bunch of writ petitions, Hon'ble Apex Court has observed that jurisdiction to deal refund matters lies with the Authority. Hon'ble Punjab & Haryana High Court in CWP No. 6688 of 2021 titled as Ramprastha Promoters

*Sandeep Gupta*

and Developers Pvt. Ltd. vs. Union of India and others, has reiterated the view of Hon'ble Supreme Court in Newtech Promoters.

3. In view of observations of Hon'ble Apex Court in CWP No(s) 6745-6749 of 2021 titled as Newtech Promoters and Developers Pvt. Ltd. vs. State of UP and others and observations of Hon'ble Punjab & Haryana High Court in CWP No. 6688 of 2021 titled as Ramprastha Promoters and Developers Pvt. Ltd. vs. Union of India and others, resolution has been passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 31.01.2022, the relevant para is reproduced below:

*"In view of above interpretation and reiteration of law by Hon'ble Supreme Court and Hon'ble High Court, Authority resolves to take up all complaints for consideration including the complaints in which relief of refund is sought as per law and pass appropriate orders. Accordingly, all such matters filed before the Authority be listed for hearing"*

4. Sequel to said resolution passed by Hon'ble Authority, the present complaint in which relief of refund has been sought by the complainant, be placed before Hon'ble Authority for appropriate orders on 07.04.2022. Both the parties are directed to appear along with their respective counsel before Hon'ble Authority on the date fixed.

AO (Petitions) shall place this complaint before Hon'ble Authority

*Sarita Gupta*

[DR. SARITA GUPTA]  
ADJUDICATING OFFICER