



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

BEFORE ADJUDICATING OFFICER

COMPLAINT NO. 1253 OF 2021

Seema Singhal

....COMPLAINANT(S)

VERSUS

Shree Vardhman Township Pvt. Ltd.

.....RESPONDENT(S)

Date of Hearing: 08.03.2022

Hearing: 4th

Present: Mr. Prashant Gupta, Counsel for the complainant through VC.

Mr. Sumit Kumar, Proxy Counsel for the respondent through VC.

ORDER (DR. SARITA GUPTA - ADJUDICATING OFFICER)

1. Reply not filed by ld. counsel for respondent. Counsel for respondent has stated that he has sent a copy of reply to complainant. Counsel for complainant has stated that the copy of reply alongwith annexures received by him, are not legible. Ld. counsel for respondent is directed to send legible copy of reply and annexures to ld. counsel for complainant. Reply to be filed by the Respondent on or before 20.04.2022.

Sarita Gupta

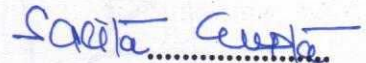
2. In the present case the complainant is seeking refund of amount paid her.
3. The issue of jurisdiction to decide refund matters is pending adjudication before Hon'ble Apex Court in SLP No. 13005 of 2020 titled as M/S. SANA Realtors Pvt. Ltd. vs. Union of India. In CWP No 6745-6749 of 2021 titled as Newtech Promoters and Developers Pvt. Ltd. vs. State of UP and others along with 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 and Developers Pvt. Ltd. vs. Union of India and others, has reiterated the view of Hon'ble Supreme Court in Newtech Promoters.
4. In sequel to 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”

5. 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 20.04.2022. 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


[DR. SARITA GUPTA]
ADJUDICATING OFFICER