



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1269 OF 2021

Vipin Kumar son of Bhagwan Das

....COMPLAINANT

VERSUS

Taneja Developers and Infrastructure Panipat Ltd.

....RESPONDENT

CORAM: Dilbag Singh Sihag

Member

Nadim Akhtar

Member

Dr. Geeta Rathee Singh

Member

Date of Hearing: 27.09.2022

Hearing: 4th

Present: - Mr. Ashish Verma, Ld. Counsel for the complainant through
VC.

Mr. Ajay Ghanghas, Ld. Counsel for the respondent through
VC.

ORDER **(DILBAG SINGH SIHAG-MEMBER)**

1. While initiating his arguments, learned counsel for respondent raised a preliminary objection that Civil Suit No. 221 of 2019 titled Mahender Singh vs Taneja Developers and Infrastructure Panipat Ltd. and Ors. is pending before the Court of Smt. Sushma, Ld. Civil Judge, Panipat regarding subject matter of present complaint i.e. Plot No. C-37. Mr. Mahender Singh has filed aforesaid suit for declaration to the effect that he is lawful owner of 50 percent of share of the Plot No. C-37, TDI City, Panipat. Learned counsel for respondent has stated that since the issue of ownership of plot, which is also the subject matter in this complaint, is pending for adjudication before Ld. Civil Judge, Panipat, therefore, no relief in the present case can be granted till the title of plot is clear. Therefore, he has requested to adjourn the case till aforesaid civil suit is decided by Ld. Civil Judge, Panipat.

2. Learned counsel for the complainant objected to claim of Mr. Mahender Singh on the ground that Mr. Mahender Singh did not want to continue with booking after payment of initial booking amount, and therefore, refused to pay the balance amount. Mr. Mahender Singh had even sent a

request letter along with affidavit cum undertaking to respondent to transfer his 50 percent share in favour of complainant. He also issued No Objection Certificate in favour of complainant on 24.04.2018. Resultantly, respondent had executed Plot Buyer Agreement with complainant on 24.04.2018. Complainant has paid Rs. 64,20,625/- against basic sale consideration Rs.50,36,753/-. Therefore, no claim of Mr. Mahender Singh survives.

Learned counsel for the complainant, has admitted pendency of aforesaid civil suit before Ld. Civil Judge, Panipat and has given his consent to fix date of hearing after pronouncement of decision by Ld. Civil Judge, Panipat.

3. As per Rule 28 (2) Authority follows summary procedure for deciding complaints, however in the present case, title of subject matter of the complaint i.e. Plot No. C-37 is under dispute which requires detailed process of production and verification of evidence i.e. documents and witnesses, therefore, case is adjourned sine die awaiting decision in aforesaid civil suit.

Either party may get the case revived after pronouncement of final decision by Ld. Civil Judge, Panipat by filing an application for the same. for arguments. Respondent has already incurred a cost of Rs.5,000/- payable to the office of Authority and Rs. 2,000/- payable to the complainant on

account of delay in filing his reply. He shall deposit the aforementioned cost within seven days of issuance of this order.



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Dr. GEETA RATHEE SINGH
[MEMBER]



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NADIM AKHTAR
[MEMBER]



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DILBAG SINGH SIHAG
[MEMBER]

