



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 138 OF 2023

KLJ Developers Private Limited

....COMPLAINANT

VERSUS

Haryana Shehri Vikas Pradhikaran

....RESPONDENT

CORAM: Dr. Geeta Rathee Singh
Chander Shekhar

Member
Member

Date of Hearing: 06.02.2024

Hearing: 8th

Present: - Mr. Ashish Chopra, Counsel for the complainant through VC.
Mr. Arvind Seth, Counsel for the respondent through VC.

ORDER

1. Present case was listed for hearing on 23.01.2023. However, due to re-constitution of benches case was re-scheduled and being taken up today for hearing.
2. Ld. Counsel for the complainant referred to order dated 08.08.2023 wherein a show cause notice was issued against the respondent for failure to comply with the orders of the Authority dated 15.03.2023 and to

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restore the plot of the complainant. He submitted that respondent has failed to comply with the said order.

3. Ld. counsel for the respondent has submitted that respondent has filed an appeal no. 566 of 2023 against the order of the Authority dated 08.08.2023 before the Hon'ble Real Estate Appellate Tribunal which is listed on 29.02.2024. To this Authority posed a specific question to the respondent counsel, as to whether there is any stay by the Hon'ble Appellate Tribunal on the orders of the Authority dated 15.03.2023. To this ld. counsel for the respondent replied that there is no stay on the said orders by the Hon'ble Tribunal.
4. Authority observes that explicit direction was given to the respondent to restore the plot vide order dated 08.08.2023 which has not been complied with by the respondent. Since there is no stay order by Hon'ble Real Estate Appellate Tribunal, respondent is under an obligation to comply with the order of the Authority. Respondent is directed to comply with the order dated 08.08.2023 and restore complainant's plot within a week failing which Authority will be constrained to impose penalty under Section 63 of the Real Estate(Regulation and Development)Act, 2016.
5. Since this case involves important questions of law therefore this case is referred to full bench for consideration and orders.



6. Case is adjourned to 04.04.2024.



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DR. GEETA RATHEE SINGH
[MEMBER]



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CHANDER SHEKHAR
[MEMBER]