



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 2069 OF 2019

Sandeep Parashar

....COMPLAINANT

VERSUS

Rise Projects Pvt. Ltd.

....RESPONDENT

2. COMPLAINT NO. 12 OF 2021

Atul Seksaria

....COMPLAINANT

VERSUS

Rise Projects Pvt. Ltd.

....RESPONDENT

3. COMPLAINT NO. 130 OF 2021

Satish Kumar

....COMPLAINANT

VERSUS

Rise Projects Pvt. Ltd.

....RESPONDENT

4. COMPLAINT NO. 131 OF 2021

Vinod Rustagi

....COMPLAINANT

VERSUS

Rise Projects Pvt. Ltd.

....RESPONDENT

5. COMPLAINT NO. 145 OF 2021

Pratibha Rustagi

....COMPLAINANT

VERSUS

Rise Projects Pvt. Ltd.

....RESPONDENT

6. COMPLAINT NO. 15 OF 2021

Veena Ahuja

....COMPLAINANT

VERSUS

Rise Projects Pvt. Ltd.

....RESPONDENT

7. COMPLAINT NO. 19 OF 2021

Brijbala

....COMPLAINANT



VERSUS

Rise Projects Pvt. Ltd.

....RESPONDENT

8. COMPLAINT NO. 2081 OF 2019

Sanjay Goel

....COMPLAINANT

VERSUS

Rise Projects Pvt. Ltd.

....RESPONDENT

9. COMPLAINT NO. 2082 OF 2019

Sanjay Goel

....COMPLAINANT

VERSUS

Rise Projects Pvt. Ltd.

....RESPONDENT

10. COMPLAINT NO. 2083 OF 2019

Sanjay Goel

....COMPLAINANT

VERSUS

Rise Projects Pvt. Ltd.

....RESPONDENT

11.COMPLAINT NO. 25 OF 2021



Tuhina Singh

....COMPLAINANT

VERSUS

Rise Projects Pvt. Ltd.

....RESPONDENT

12.COMPLAINT NO. 2833 OF 2019

Rajiv Nangia

....COMPLAINANT

VERSUS

Rise Projects Pvt. Ltd.

....RESPONDENT

CORAM:

Dr. Geeta Rathee Singh

Member

Nadim Akhtar

Member

Date of Hearing: 21.09.2023

Hearing:

17th Hearing in complaint no.(s) 2069,2081,2082,2083 of 2019

10th Hearing in complaint no.(s) 12,15,19,25 of 2021

9th Hearing in complaint no.(s) 130,131,145 of 2021

16th Hearing in 2833 of 2019

Present: Atul Seksaria, complainant in complaint no. 12 of 2021 through VC
Ms. Nidhi Jain, Advocate, counsel for complainants in complaint no (s). 130,131,145,15,19 of 2021; 2069,2081,2082,2083, 2833 of 2019
Mr. Ramesh Chand Gaur, Advocate in complaint no. 25 of 2021 through VC
Adv. Venket Rao, counsel for respondent, through V.C. (in all complaints)

ORDER (NADIM AKHTAR -MEMBER)

1. Sh. Atul Seksaria, complainant appeared in complaint no. 12 of 2021 and stated that captioned complaints were earlier reserved by the Authority for pronouncement of the final order but respondent went to Hon'ble Punjab and Haryana High Court, whereby, stay was granted upon the said complaints by the Hon'ble Punjab and Haryana High Court. He also requested to pronounce the order as captioned complaints were reserved for the same.
2. While perusing record, Authority observed that in last two hearings none has appeared on behalf of complainant in complaint no. 12 of 2021. In-between an appeal bearing *CWP No. 26740-2022 (O&M) titled as Vatika Ltd v. Union of India and Anr*, has been filed by the respondent before Hon'ble Punjab and Haryana, High Court, wherein the jurisdiction of this Authority to deal with



matters pertaining to grant of assured returns is under adjudication. Learned counsel for respondent stated that judicial propriety demands that when the matter is under consideration before a higher Court, the lower courts, tribunals and authorities should refrain from passing any further order and should wait for the outcome of the appeal under consideration of the higher court.

3. During hearing, complainant in complaint no. 12 of 2021 stated that he wishes to amend his relief from legally valid offer of possession and assured return to refund of the paid amount along with prescribed rate of interest for the reason that project in question is not completed in time bound manner. Till today, allottees are suffering as their hard earned money is neither refunded to them nor respondent has abided by the promises he made while executing Agreement with complainant.
4. To this counsel for respondent objected and argued that complainant may be directed to choose one relief for them either possession on grant of Occupation Certificate and assured return or refund along with delay interest, as both reliefs cannot be given simultaneously.
5. Ms. Nidhi Jain, Advocate appeared on behalf of complainants in complaint no(s). 130,131,145,15,19 of 2021; 2069,2081,2082,2083, 2833 of 2019 and Mr. Ramesh Chand Gaur, Advocate appeared on behalf of complainant in



complaint no. 25 of 2021. Both learned counsels sought some time for clarification of relief from the complainants. Sh. Atul Seksaria appeared in complaint no. 12 of 2021 and orally clarified that he is now seeking relief of refund along with interest.

6. Authority directs the complainants in captioned complaints to clarify the relief sought by the complainants on an affidavit which should be duly supported by an application seeking amendment of relief within 3 weeks from today, and supply its advance copy to the opposite parties.
7. Cases are adjourned to 13.12.2023.



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DR. GEETA RATHEE SINGH
[MEMBER]



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NADIM AKHTAR
[MEMBER]