



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 2187 OF 2023

Vidya Bhushan Sharma and Anr.

....COMPLAINANTS

VERSUS

Vivek Gupta Successful Resolution Applicant

Vardhman Buildtech Pvt. Ltd.

....RESPONDENT

2. COMPLAINT NO. 2191 OF 2023

Rajpal Sharma

....COMPLAINANT

VERSUS

Vivek Gupta Successful Resolution Applicant

Vardhman Buildtech Pvt. Ltd.

....RESPONDENT

3. COMPLAINT NO. 2238 OF 2023

Ravinder Singh

....COMPLAINANT

VERSUS

Vivek Gupta Successful Resolution Applicant

Vardhman Buildtech Pvt. Ltd.

....RESPONDENT

4. COMPLAINT NO. 2261 OF 2023

Harinder Kumar

....COMPLAINANT

VERSUS

Vivek Gupta Successful Resolution Applicant

Vardhman Buildtech Pvt. Ltd.

....RESPONDENT

5. COMPLAINT NO. 2290 OF 2023

Shanaulla H Khan andAnr.

....COMPLAINANTS

VERSUS

Vivek Gupta Successful Resolution Applicant

Vardhman Buildtech Pvt. Ltd.

....RESPONDENT

6. COMPLAINT NO. 2296 OF 2023

Ashok Kumar Sangwan and Sheela Sangwan

....COMPLAINANTS

VERSUS

Vivek Gupta Successful Resolution Applicant

Vardhman Buildtech Pvt. Ltd.

....RESPONDENT

7. COMPLAINT NO. 2302 OF 2023

Kavita Gupta

....COMPLAINANT

VERSUS

Vivek Gupta Successful Resolution Applicant

Vardhman Buildtech Pvt. Ltd.

....RESPONDENT



8. COMPLAINT NO. 2306 OF 2023

Rohit Katoch

....COMPLAINANT

VERSUS

Vivek Gupta Successful Resolution Applicant

Vardhman Buildtech Pvt. Ltd.

....RESPONDENT

CORAM: Chander Shekhar
Dr. Geeta Rathee Singh
Parneet Singh Sachdev

Member
Member
Chairman

Date of Hearing: 09.05.2024

Hearing: 3rd (in all captioned complaints)

Present: - Adv. Anish Gupta Advocate, counsel for complainant.
Adv. Rohit Agarwal, Proxy Counsel for the respondent.
Adv. Mehak Swahney, counsel for the respondent.
Adv. Deepam Raghav, Proxy Counsel for Shri Munish Gupta, Chairman
of Monitoring Agency appointed by Hon'ble NCLT.

ORDER (PARNEET SINGH SACHDEV- CHAIRMAN)

1. Proxy counsel for the respondent submitted that reply in all these cases will be filed today by the counsel for the respondent.
2. Last opportunity is granted to the respondent to file reply in captioned complaints after imposition of cost of ₹ 10,000/- payable to Authority and ₹ 5000/- payable to complainants failing which defense would be struck off.



3. Adv. Deepam Raghav, Proxy Counsel for Shri Munish Gupta, Chairman of Monitoring Agency appointed by Hon'ble NCLT submitted that his application for impleadment of the monitoring agency in present complaints may be decided by the Authority. On this, Ld. counsel for complainant and respondent stated that they have not received the copy of the application submitted on behalf of the monitoring agency. Proxy counsel for the monitoring agency submitted that he has sent the copy of the application to complainants and not to counsel for complainant and respondent. No such application has been filed in present complaints and it has only been filed in complaint no. 1389 of 2023. Authority directs proxy counsel for the monitoring agency to submit application in the registry and send the copy of the applications to counsels for complainants and respondent to get their application decided on the next date of hearing.
4. Sh. Anish Gupta, counsel for complainants referred to the order of the Authority dated 20.02.2023 wherein respondent was directed to withdraw the cancellation letters issued to the complainants till the pendency of the captioned complaints before the Authority. He submitted that the respondent has not complied with the said order of the Authority and has not withdrawn the cancellation letters. He further submitted that allottees have an apprehension that third party rights might be created by the respondent in the meantime.



5. Taking serious note of the conduct of the respondent in non-compliance of the orders of the Authority decides to issue a show cause notice under section 63 as to why a penalty for every day during which the default continues, which may cumulatively extend up to five per cent of the estimated cost of the project may not be imposed upon the respondent. This order may be treated as show cause notice under section 63 of RERA Act, 2016.
6. Adv. Mehak Swahney was not present when the case was called up for hearing, she later on appeared and requested to mark her presence stating that she met with a small accident on her way to the Authority. Her request has been accepted and her attendance has been marked.
7. Cases are adjourned to 26.09.2024 for arguments.


CHANDER SHEKHAR
[MEMBER]


DR. GEETA RATHEE SINGH
[MEMBER]


PARNEET SINGH SACHDEV
[CHAIRMAN]