



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 273 OF 2021

Dr Ajay Gupta deceased through LRs

....COMPLAINANT(S)

VERSUS

TDI Infrastructure Limited.

....RESPONDENT(S)

COMPLAINT NO. 294 OF 2021

Suman Gupta and Another

....COMPLAINANT(S)

VERSUS

TDI Infrastructure Limited.

....RESPONDENT(S)

COMPLAINT NO. 307 OF 2021

Suman Gupta and Another

....COMPLAINANT(S)

VERSUS

TDI Infrastructure Limited.

....RESPONDENT(S)

CORAM: Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag

Chairman
Member
Member

Date of Hearing: 02.09.2021

Hearing: 3rd

Present: - None for the complainants

Mr. Shobit Phutela & Mr. Shubhnit Hans, Ld. counsels for the respondent through VC.

ORDER (DILBAG SINGH SIHAG-MEMBER)

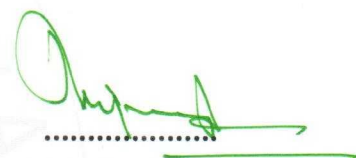
1. Reply has not been filed by the respondent in Complaint No. 307 of 2021. Learned counsel for the respondent is seeking time to file reply. Respondent is directed to file reply and supply its advance copy to the complainants at least fifteen days before the next date of hearing.

2. While examining the file record, it is revealed that complainants have sought refund of the amount already paid to the respondent for purchase of their respective unit. In Civil Writ Petition 38144 of 2018 titled as Experion Developers Pvt. Ltd. vs State of Haryana and others along with other Writ Petitions, date of decision 16.10.2020, it has been observed by Hon'ble High Court of Punjab and Haryana, Chandigarh that it is the Haryana Real Estate Regulatory Authority which has the power to examine and determine the outcome of complaint when it comes to refund of the amount and interest on the amount or directing payment of interest for delayed delivery of possession or penalty or interest thereon.

However, Hon'ble Supreme Court vide its order dated 05.11.2020 in SLP No. 13093 of 2020 titled as M/S. TDI Infrastructure Ltd. Versus Union of India & Ors. along with other SLP's has stayed the operation of order passed by

Hon'ble High Court of Punjab and Haryana. As on today, it is a debatable question pending adjudication of Hon'ble Supreme Court in SLP No. 13093 of 2020 titled as M/S. TDI Infrastructure Ltd. Versus Union of India & Ors. whether this Authority or the Adjudicating Officer appointed under section 71 of the RERA ACT has jurisdiction to deal with the complaint seeking relief of refund.

3. Cases are therefore adjourned 10.11.2021 to await outcome of the SLPs pending before Hon'ble Supreme Court.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]