



Complaint No. 273, 294,
252 & 307 of 2021

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)

COMPLAINT NO. 252 OF 2021

Harjit Kaur wife of Tehalinder Singh and

....COMPLAINANT(S)

Gurpreet Kaur Wife of Kawaljit Singh

L,

VERSUS

TDI Infracorp (India) Limited.

.....RESPONDENT(S)

CORAM: Anil Kumar Panwar
Dilbag Singh Sihag

Member
Member

Date of Hearing: 10.11.2021

Hearing: 4th

Present: - Mr. Roopak Bansal, Ld. counsel for the complainants through VC.
(in complaint nos. 273, 294 & 307 of 2021)
Mr. D. S. Gandhi, Ld. counsel for the complainant through VC.
(in complaint no. 252 of 2021)
Mr. Shobit Phutela & Mr. Shubhmit Hans, Ld. counsels for the
respondent through VC. (in complaint nos. 273, 294 & 307 of 2021)
Mr. Ajay Ghanghas, Ld. counsel for the respondent through VC.
(in complaint nos. 252 of 2021)

ORDER (DILBAG SINGH SIHAG-MEMBER)

1. 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 units. 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 09.12.2021 to await the outcome of the SLPs pending before Hon'ble Supreme Court.


ANIL KUMAR PANWAR
[MEMBER]


DILBAG SINGH SIHAG
[MEMBER]