



Complaint No. 273, 294, 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)

CORAM: Rajan Gupta

Chairman

Anil Kumar Panwar

Member

Dilbag Singh Sihag

Member

Date of Hearing: 15.07.2021

Hearing: 2nd

Present: - None for the complainants.

Mr. Shubhnit Hans, Ld. counsel for the respondent through VC.

ORDER (DILBAG SINGH SIHAG-MEMBER)

1. Learned counsel for the respondent stated that reply in Complaint no. 273 and 294 of 2021 has been filed today. Office is directed to supply a copy of reply received in Complaint no. 273 and 294 of 2021 to the complainants.
2. Learned counsel for the respondent further submitted that he could not file reply in Complaint no. 307 of 2021 as he has not received copy of the complaint in the said case.

Authority advise counsel for the respondent to procure a copy of the complaint in Complaint no. 307 of 2021 from the complainant's counsel in said case or he may collect the same from the office of the Authority. Respondent is



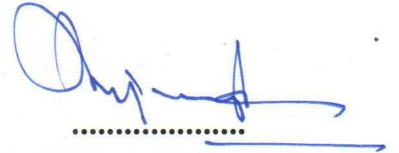
directed to file reply in Complaint no. 307 of 2021 and supply its advance copy to the complainants at least two weeks before next date of hearing.

3. While examining the file record, it is revealed that complainants in all the captioned complaints have sought refund of the amount already paid to the respondent for purchase of their 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 before Hon'ble Supreme Court in SLP No. 13093 of 2020 titled as M/S. TDI Infrastructure Ltd. Versus Union of India & Ors. as to 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.



4. Cases are therefore adjourned 02.09.2021 to await outcome of the matter pending before Hon'ble Supreme Court.



RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]