



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

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 252 OF 2021

Harjit Kaur wife of Tehalinder Singh and Gurpreet Kaur Wife of Kawaljit Singh

....COMPLAINANT(S)

VERSUS

TDI Infrastructure Limited.

....RESPONDENT(S)

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
Dilbag Singh Sihag**

**Member
Member**

Date of Hearing: 27.04.2021

Hearing: 1st

Present: - Mr. D. S. Gandhi , Ld. counsel for the complainants through VC.
(in Complaint no. 252 of 2021)

Mr. Roopak Bansal, Ld. counsel for the complainants through VC.
(in Complaint no. 273, 294 & 307 of 2021)

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

ORDER (RAJAN GUPTA- CHAIRMAN)

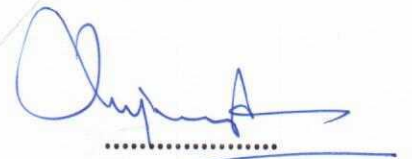
1. In all the captioned complaints, complainants have sought refund of the amount already paid to the respondent for purchase of their units. In Civil Writ Petition 38144 of 2018 titled as Experion Developers Pvt. Ltd. vs State of Haryana and others along with other Writ Petitions, date of decision 16.10.2020, 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.

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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.

2. Case is therefore adjourned 15.07.2021 to await outcome of the matter pending before Hon'ble Supreme Court.

3. Replies have not been filed by the respondent. Learned counsel for the respondent undertakes to file the same within a month. Respondent is directed to file replies and supply their advance copy to the complainants.



RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SIHAG
[MEMBER]