



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 1 OF 2023

Seema

....COMPLAINANT

VERSUS

HL Residency Pvt. Ltd.

....RESPONDENT

2. COMPLAINT NO. 2985 OF 2022

Neelam

....COMPLAINANT

VERSUS

HL Residency Pvt. Ltd.

....RESPONDENT

Date of Hearing: 15.11.2023

Hearing: 4th (in both complaints)

Present through VC: - Mr. Naveen Single, Advocate, counsel for complainant

Naveen

Mr. Gaurav GS Chauhan, Advocate, counsel for respondent

ORDER (DR. GEETA RATHEE SINGH - MEMBER)

1. Learned counsel for respondent submitted that detailed reply has already been filed in the registry on 24.08.2023 and earlier imposed cost of ₹10,000/- payable to the Authority is also paid. He further stated that complainants are seeking relief of possession and respondent is ready to offer possession to the complainant as unit booked by complainant is ready and is in a habitable state. Learned counsel for respondent further submitted that there is only one document wherein it is stated that complainants will not file any other case on respondent in order to take possession, has to be signed by the complainants is pending and complainants are not submitting the same, resulting in delay of handing over of possession. Authority observes that it is the legal right of a person to get all available legal remedies and no one can infringe the same. Therefore, Authority directs respondent not to impress upon complainants to sign any such document where respondent is curtailing available legal rights of complainant.
2. He further stated that complainants had earlier filed complaints no. 75 of 2020 titled as "Neelam versus HL Residency Pvt. Ltd." and complaint no.


Dr. Geeta Rathee Singh

161 of 2020 titled as Seema versus M/s Hl Residency Pvt. Ltd. with regard to same subject matter in the Year 2020 which is annexed on page no. 20 of the reply wherein Authority disposed of the matter on 21.09.2022, so complainants cannot file another complaint with regard to same subject matter again before the Authority as it will come under the scope of "Res Judicata". The doctrine of the "Res Judicata" means the matter is already judged, which means that no Court will have the power to try any fresh suit or issues which has been already settled in the former suit between the same parties. To which, learned counsel for complainants replied that earlier complaints were disposed of with liberty given to the complainant to file fresh complaint. Learned counsel for complainants further apprised the Authority that an appeal has been filed before Hon'ble Appellate Tribunal against order dated 21.09.2022 which is listed for hearing on 13.12.2023.

3. Learned counsel for complainants apprised the Authority that he has received incomplete copy of reply as page no. 17 to 19 and proper receipts are missing in the copy of reply given by respondent to complainants. On perusal of the files, Authority observes that respondent has filed incomplete reply in registry as well. Authority directs respondent to file complete reply with proper details in registry with an advance copy supplied to the opposite party within next two weeks.

A handwritten signature in blue ink, appearing to read "J. Latture", is written over a horizontal blue line.

4. On perusal of files, Authority observes that occupation certificate has been received by respondent on 19.10.2020 in both complaints and as submitted by learned counsel for respondent that apartment booked by complainant is ready for possession. Authority enquired from learned counsel for respondent as whether possession was offered to the complainants after receiving of occupation certificate? To which, learned counsel for respondent replied that possession was offered to the complainants after receiving of occupation certificate, i.e., 19.10.2020. Learned counsel of respondent is directed to place on record the documents with respect to offer of possession made by respondent after grant of occupation certificate by the competent Authority, and is also directed to give physical possession to the complainants within next thirty days in both complaints, subject to payment of receivables and payables to be adjudicated later by the Authority. For this purpose, respondent will send an official communication in next 10 days from today to the complainants by fixing the date and time of offer of possession. Complainants are also directed to take possession on the date so fixed by the respondent. Further, respondent is also directed to prepare a statement of account, as per provisions of RERA Act and rules framed there under, of all payables and receivables and submit the same in another four weeks time to the Authority with copy supplied to the complainants.



5. Learned counsel for complainants in Complaint No. 2985 of 2022 titled as “Neelam versus HL Residency Pvt. Ltd.” is seeking some more time to file rejoinder. Request is accepted. Learned counsel for complainants is directed to file rejoinder within next two weeks, with an advance copy supplied to the opposite party.
6. Cases are adjourned to 22.02.2024 for final argument.



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NADIM AKHTAR
[MEMBER]



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DR. GEETA RATHEE SINGH
[MEMBER]