

**Before Sh. J. S. Khushdil, Adjudicating Officer,
Real Estate Regulatory Authority, Punjab, Plot No.3, Block-B,
First Floor, Madhya Marg, Sector 18A, Chandigarh-160018.**

Complaint No. AO.No.1002 of 2018
Dated of Institution: 7.08.2018
Date of Order:28.11.2018

Surinder Mittal, resident of House NO.724, Sector-7, Panchkula-134109, Haryana.

Complainant

Versus

EMAAR India, Unit No.40, Central Plaza, Sector 105, Sahibzada Ajit Singh Nagar, Mohali-160062.

Respondent

Complaint under Section 31 read with Section 71 of the Real Estate (Regulation and Development) Act 2016 in form N.

Present: Shri Vikram Singh representative for complainant.
Shri Sanjeev Sharma representative for the respondent.

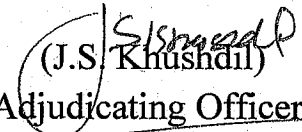
ORDER

JS/Kushdil
28/11/2018
1. Surinder Mittal (hereinafter called as the complainant) has filed this complaint against EMAAR MGF Land Ltd. (here-in-after called as the respondent) alongwith documents alleging violation of Section 18 of the Real Estate (Regulation and Development) Act 2016 (herein-after called as the Act) seeking refund and interest etc. as per the provisions of the Act on account of delay in handing over possession of flat No.TVM-L1-F12-1203, in the

project The Views, Mohali. It is the case of the complainant that the total sale price of the plot was Rs.53,52,000/- and he has paid an amount of Rs.28,50,000/- towards the sale price, but, till date, possession has not so far been given to complainant. It is alleged by the complainant that the project in question has been registered with this Authority.

2. Upon notice, respondent appeared through its representative and filed an application for dismissal of the complaint in view of the circular of the Authority dated 09.10.2018.
3. I have heard both sides and have gone through the file. In view of the circulars dated 09.10.2018 and 21.11.2018 of the Authority, the Adjudicating Officer lacks the jurisdiction to grant relief of refund or interest. Therefore, in the larger interest of justice, the complaint is ordered to be returned to the complainant, who is at liberty to file a fresh complaint before the Authority as per the decision of learned Authority. Copy of this order be supplied to the parties under Rules.

Dated:28.11.2018


(J.S. Khushdil)
Adjudicating Officer,
Real Estate Regulatory Authority, Punjab.

28/11/2018

Surinder Mittal Vs. EMAAR

Dated : 28.11.2018

Present: Shri Vikram Singh representative for complainant.
Shri Sanjeev Sharma representative for the respondent.

Shri Sanjeev Sharma filed power of attorney on behalf of the respondent and an application for dismissal of the complaint. Heard. Vide my separate detailed order passed today, the complaint is ordered to be returned to the complainant with liberty to file a fresh complaint before the learned Authority. Remaining papers including the proceedings of this Bench be retained and consigned to record room.

Dated: 28.11.2018

(J.S. Khushdil)
Adjudicating Officer
RERA