

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2023:PHHC:037671

(225)

CRM-M-9507-2023

Date of Decision: 10.03.2023

Aashish Sardana & another

--Petitioners

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Petitioners Aashish Sardana & Mrs. Anita Sardana
in person.

Mr. Kirpal Singh, AAG, Haryana.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed praying for issuance of directions to learned CJM, Gurgaon to hear the arguments in criminal case no. COMI-423-2020 instituted on 10.11.2020.

This court vide order dated 22.2.2023 while issuing notice of motion had directed the State to file a status report in the matter.

Learned State counsel has filed the status report by way of affidavit of Mr. Abhilaksh Joshi, ACP, Headquarter, Gurugram. Learned State counsel has drawn attention of this court to the status report, wherein it has been mentioned that petitioners had booked two flats in Tranquil Heights of Vatika Company, Sector 82-A, Gurugram and later on they found themselves to be cheated as the Developer of the project had not taken the requisite clearances from the concerned authorities. Thereafter, petitioners approached HARERA for the redressal of their grievances and HARERA, Gurugram vide order dated 2.12.2022 had directed the Developer-company to return the amount of Rs.60,92,288/- with interest @ 10% plus 2% as prescribed under Rule 15 of the Haryana Real Estate

Development Rules, 2017 from the date of each payment till the actual date of refund of amount.

The petitioners submit that though the HARERA has given a direction for refund of their money, however, the Developer-company had cheated them and thus they are liable to be criminally prosecuted as well. Petitioners submit that they have already filed a complaint under Section 156(3) Cr.P.C against the respondents-accused for registering FIR against them. It is submitted that though the petition was filed in November, 2020 but the same is pending consideration till date and is not being decided.

Learned State counsel on instructions from ASI Pardeep Kumar has submitted that the complaint filed by the petitioners is pending and is fixed for arguments on 15.4.2023.

Having heard both the sides at length and after perusing the record, it is apparent that though petitioners have been given relief by the HARERA regarding the damages caused to them by directing refund of their money with interest, however, it is also apparent that the complaint filed by the petitioners is still pending consideration before the court concerned for the last about 2 years.

In view of the above position, present petition is disposed of with a direction to the court concerned to expedite the hearing of the complaint filed by the petitioners and decide the same preferably within a period of 2 months from today.

(RAJESH BHARDWAJ)
JUDGE

10.03.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No