

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 17637/2024

Sequin Real Estate

-----Petitioner

Versus

Kailash Chandra Gupta

-----Respondent

For Petitioner(s) : Mr. Anand Sharma
Mr. Smkit Jain
Mr. Parth Dhakar

For Respondent(s) :

JUSTICE ANOOP KUMAR DHAND

Order

21/11/2024

1. Learned counsel submits that the Rajasthan Real Estate (Regulation and Development) Act, 2016 and Rajasthan Real Estate (Regulation and Development) Rules, 2017 have come into effect on 01.05.2017, whereas while in the instant case the project and the construction were started way back in the year 2006 and more than 60% flats have been sold and the sale deeds & possession letters relating to these flats were executed prior to that, hence, under these circumstances the provisions of the RERA Act and Rules are not applicable in the case of the petitioner.
2. Learned counsel submits that the issue involved in this petition has already been decided by the RERA Authority itself way back in the year 2022, when the complaint was submitted by the President, Star City Residents Welfare Association and the same was rejected on 08.02.2022.

3. Learned counsel submits that this objection was taken when the respondent filed his complaint against the petitioner before the RERA and the order dated 08.02.2022 was also placed on record before the Tribunal but without paying any heed to the said order, the impugned order dated 19.07.2024 has been passed, by which the petitioner has been directed to refund the amount deposited by the respondent along with interest.
4. Issue notice of writ petition as well as stay application. Rule is made returnable by 20.12.2024.
5. Till next date, the effect and operation of the impugned order dated 19.07.2024 shall remain stayed.
6. This order would come into effect only after service of notice upon the respondents.
7. Office is directed to send a copy of this interim order to the respondent along with notices.
8. The respondent would be at liberty to move application for recall/modification of this order after service.
9. List on 20.12.2024 along with S.B. Civil Writ Petition No. 17631/2024.

(ANOOP KUMAR DHAND),J