



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA
Website: www.haryanarera.gov.in

COMPLAINT NO. 768 OF 2021

Sunil Gandhi

...COMPLAINANT(S)

VERSUS

M/s WTC Faridabad Infrastructure & Development
Pvt. Ltd.

....RESPONDENT(S)

**CORAM: Rajan Gupta
Dilbag Singh Sihag**

**Chairman
Member**

Date of Hearing: 12.07.2022

Hearing: 5th

Present: Mr. Sunil Gandhi, complainant through VC.
Mr. R.S. Baweja, Learned counsel for the respondent.

ORDER (RAJAN GUPTA - CHAIRMAN)

1. Complainant alleges that respondent is running a PONZI scheme in the garb of real estate project by offering monthly 'assured returns' and 'Buy Back' on sale of residential plots to be carved out of agricultural land. He further alleges that respondent is running this scheme without obtaining RERA registration, LOI, License, Building/Layout plans as required under RERA Act 2016 and other

applicable laws. He further alleges that respondent has launched a plotting scheme on the said land in the name of "WTC Faridabad Plots" in respect of which respondent is raising huge amounts of money from public. Further the respondent, despite having no RERA registration or any other necessary permissions in respect of said project, are widely booking, selling, advertising, marketing, promoting and inviting public to purchase residential plots in the said land and raising huge funds from gullible investors. It is violation of Section 3(1) of the RERA Act, 2016. Promoter group is indulging and abetting in theft of Income Tax and GST for illegal purpose of avoiding its "Assured return liability in other projects/schemes by misusing WTC Faridabad plots". Complainant has prayed for inspection of the said land project as well as documents related to said project. He also prayed that forensic audit of the company be carried out and their bank account be frozen.

2. Respondents in their reply has alleged that complainant by filing this complaint are grossly abusing the process of law including deliberate misrepresentation. Firstly, respondent submit that complainant has no locus standi to file this complaint as complainant is not a 'person aggrieved' as he is neither an investor nor a unit buyer, as such, complainant has no privity whatsoever with the respondent company. Secondly, respondent alleges that complainant has a history of harassment and extortion and is a known as a white collar criminal who has been evading arrest and proclamation of arrest for multiple economic crimes. The



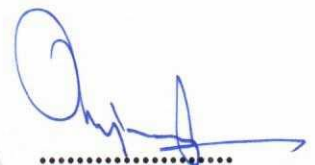
complainant is a 'proclaimed offender' as proclamation was published in a newspaper u/s 82 of CR.P.C. for evading arrest. Copies of application for proclamation & orders issued thereon are annexed as R2 and Copy of the proclamation published in newspaper is attached as Annexure R 3. Thirdly, respondent states that they have not launched any project as alleged by complainant. Therefore, there is no question of seeking RERA registration or RERA having any jurisdiction in the present case. No allotment by respondent company of any plot or flat to anyone has been done nor has it launched any such project.

3. Today, when question regarding locus of complainant before the Authority came up, the complainant was not able to prove his locus as to how this case is maintainable before the Authority. Complainant was also given liberty to file written submissions to prove maintainability of the complaint within 7 days. However, the same has not been submitted by him.

4. After going through facts and circumstances of the case, Authority observes that present complaint is not maintainable before it as no builder - buyer relationship exists between complainant and respondents. As per section 31 of the RERA Act, complainant is neither an allottee nor an investor. There is no Builder - Buyer Agreement executed between the parties, no allotment is made, no consideration paid by complainant to respondent. Hence Authority cannot proceed

with such complaint which fails to fulfil the mandate of section 31, RERA ACT 2016. Complainant has failed to establish a builder buyer relationship in this complaint. If the complainant ha any evidence that respondents are developing and selling plots in an unauthorized colony, he may send the information to Town and Country Planning Department for necessary action. This Authority does not deal with unauthorized colonies as is being alleged.

The complaint is **dismissed as being not maintainable.**



RAJAN GUPTA
[CHAIRMAN]



DILBAG SINGH SHAG
[MEMBER]

