

PROCEEDINGS OF THE DAY

Day and Date	Wednesday and 24.04.2019
Complaint No.	1492/2018 Case Titled As Park View Ananda Resident Welfare Association V/S Bestech India Private Limited
Complainant	Park View Ananda Resident Welfare Association
Represented through	S/Shri Maneesh Bajaj and Rahul Bansal AR on behalf of the complainant.
Respondent	Bestech India Private Limited
Respondent Represented	Shri J.K.Dang Advocate for respondent
Last date of hearing	11.4.2019
Proceeding Recorded by	Naresh Kumari & S. L. Chanana

Proceedings

Project is not registered with the authority.

Since the project is not registered, notice under section 59 of the Real Estate (Regulation & Development) Act, 2016, for violation of section 3(1) of the Act be issued to the respondent. Registration branch is directed to do the needful.

Complaint was filed on 1.11.2018. Notices w.r.t. reply to the complaint were issued to the respondent on 5.11.2018, 27.11.2018 and 17.1.2019 . Besides this, a penalty of Rs.5,000/- and Rs.10,000/- was also imposed on 27.11.2018 and on 17.1.2019 for non-filing of reply even after service of notices.

Shri J.K.Dang Senior Advocate for the respondent has stated at bar that the complainant had filed an affidavit before the authority that no complaint on similar ground is pending for adjudication before any court of

law. A withdrawal application has been presented before the authority that the complainant has already filed a complaint before NCDRC and, as such, he does not want to pursue the matter before the authority. However counsel for respondent has raised a pertinent question that vide affidavit dated 25.06.2018 submitted by Mr Maneesh Bajaj S/o Shri UD Bajaj, R/o J-102, Wembley Estate, Rose Wood City, Gurugram, it has been stated by the deponent Shri Manish Bajaj that some members of complainant society have filed their case before NCDRC. However, the present complaint has been filed as per Hon'ble Punjab & Haryana High Court order dated 31.07.2018. The copy of the same is annexed with the complaint as Annexure P/5. That as stated above, no similar complaint is pending before any other authority, Court of Law, Consumer Commission or any other Tribunal.

In view of the contents of the above affidavit, the complainant is liable to face action for furnishing wrong information as per law but taking soft corner in the matter, the complainant is just directed to express apology to end the controversy once for all.

In view of the facts and circumstances, the complaint stands dismissed as withdrawn, however, no order as to costs. File be consigned to registry.

Samir Kumar
(Member)
24.04.2019

Subhash Chander Kush
(Member)