



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2325 OF 2022

Rachna Gupta

...COMPLAINANT

VERSUS

TDI Infrastructure Limited.

....RESPONDENT

CORAM:

Dr. Geeta Rathee Singh
Nadim Akhtar

Member
Member

Date of Hearing: 15.11.2023

Hearing: 4th

Present: -

None for the complainant

Mr. Shubhnit Hans, Counsel for the respondent through
VC.

ORDER (NADIM AKHTAR-MEMBER)

1. On the last date of hearing, i.e. 09.08.2023, following order was passed:-

“Reply has already been filed. Scanned copy of same has been sent to ld. counsel for complainant. Today, no one is appearing on behalf of complainant.

On perusal of complaint, it is found that complainant claims refund of Rs 34,49,085/- in the relief sought of complaint whereas paid amount mentioned in the paragraph 9 of complaint petition is Rs 32,56,966/- and statement of account for said amount only has been attached in complaint file. Further, complainant has prayed for both reliefs, i.e., refund as well as physical possession of the unit without specifying the one main relief. In these circumstances, Authority directs the complainant to file an


affidavit pertaining to total paid amount to the respondent with dates and documentary evidence of same. In addition, complainant is also directed to submit clarification w.r.t the relief sought in present complaint. Said affidavit be filed within next 3 weeks with advance copy supplied to respondent.

Case is adjourned to 15.11.2023."

2. Perusal of record reveals that complaint was filed in registry on 09.09.2022 and notice dated 10.09.2022 was issued to respondent to file reply. Accordingly, reply was filed by respondent in registry on 25.04.2023. This case was taken up for first hearing on 07.02.2023 and on that date Adv. Deepam Raghav was present on behalf of complainant and case got adjourned for filing of reply. For second hearing case was taken up on 27.04.2023, on said date reply filed by respondent was taken on record and office was directed to supply copy of reply to complainant as no one had appeared on behalf of complainant. Accordingly, scanned copy of reply was mailed to ld. counsel for complainant on 07.08.2023. For third hearing case was taken up on 09.08.2023, and on that date Authority had directed complainant to file an affidavit pertaining to total paid amount to respondent with dates and documentary evidence. Complainant was also directed to submit clarification w.r.t relief sought in present complaint. Again on that date no one had appeared on behalf of complainant. Order dated 09.08.2023 has already been reproduced above in para 1 of this order has not been complied by the complainant.



3. Today is fourth hearing of the case and again neither any one has put in appearance on behalf of complainant nor any document has been filed by complainant in compliance of directions issued in previous order dated 09.08.2023.
4. In these circumstances, Authority observes that complainant is not present from last 2 hearings and today also no one has put in appearance on behalf of complaint for hearing. It seems that complainant is not interested in proceeding further with his complaint. Therefore, present complaint is **dismissed** in default for non-prosecution by complainant.
5. File be consigned to record room after uploading the order on website. However, liberty is given to the complainant to file afresh complaint if cause of action still survives.


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DR. GEETA RATHEE SINGH
[MEMBER]


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NADIM AKHTAR
[MEMBER]