



Complaint no. 14/2019

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Complaint no.:	14 of 2019
Date of filing:	08.01.2019
First date of hearing:	07.02.2019
Date of decision:	27.07.2023

SRS Pearl Unity RWA (Sabiha)

Sector 5, Palwal, Haryana

.....COMPLAINANT

Versus

M/s SRS Real Infrastructure Ltd. (Anil Jindal)

SRS Mall, City Centre, Sector 12,

Faridabad-121001, Haryana

.....RESPONDENT

CORAM: Dr. Geeta Rathee Singh
Nadim Akhtar

Member
Member

Geeta Rathee

Present: - Sh. Pranjal P. Chaudhary, learned counsel for the complainant
None for the respondent.

ORDER (DR. GEETA RATHEE SINGH-MEMBER)

A. BACKGROUND OF THE CASE:

1. Captioned matter was initially listed for hearing on 07.02.2019, along with other two complaint nos. 1425/2018 and 1447/2018. Notices in said complaints were successfully delivered to respondent on 14.01.2019. However, respondent neither appeared nor filed reply. During the said hearing, complainants unanimously stated that they are trying to form an association with similarly placed persons.
2. Thereafter, matters were taken up for hearing on 07.03.2019 along with other bunch of complaint nos ,i.e, 25,146 of 2019 and 1383,1393,1425, 1447 of 2018, whereby complainants stated that 80 % development work of the project is complete, however remaining development work could not be completed as Directors of the company are in jail. Further, license granting authority,i.e.,DTCP had already shown their inability to take over project in question, which is duly recorded in para 3 of order dated 07.03.2019 passed by Authority in captioned complaint. Furthermore, they apprised the Authority that allottees have formed an


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association of allottees as they intend to complete the remaining construction and development work in the project all by themselves.

3. In the given circumstances, few allottees prayed for taking over the project Under Section 8 of the RERA Act, 2016 for completing the remaining development and construction work as they were more inclined to get their booked apartments instead of refund. Considering the above stated situation that neither the respondent had completed the project nor the state government agencies are showing any interest to take over the project in question for its completion in the interest of hundreds of allottees, Authority accepted the representation given by allottees to take over the project for completing the remaining development and construction work at their own level. To initiate the process for taking over of project for its completion by complainants, Authority vide its order dated 07.03.2019 had passed following directions:

- “4. (i) *The complainants shall form an association of atleast two-third allottees for the completion of the project and get the same registered with the competent Authority to convert it into a juristic person.*
- (ii) *The complainant association may open a bank account to be operated by atleast three joint signatories to be nominated by the association. The association shall then engage a technical team comprised of an Engineer, an Architect and a Chartered Accountant to prepare detailed status of the project. This team shall also prepare a detailed project report for carrying out the remaining works detailing therein the list of works to be carried out and the likely expenditure involved. They will also prepare an accounts statement stating therein the outstanding dues against each allottee in respect of the sale price*


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of the apartments inclusive of EDC, IDC and taxes. A commitment should also be secured from each allottee that they are willing to pay the remaining money.

(iii) The association shall file an affidavit stating the total number of towers in the project, number of sold and unsold units in towers in which allottees have been allotted units and how much amount is needed to complete the remaining works at site, how the said work shall be carried out by the association and what would be made of further instalments.

(iv) The association shall submit a project implementation report explaining in clear terms what is the status of the project at present and how the same shall be completed.

(v) The association shall further file statement of accounts of each allottee exhibiting how much amount has already been paid and how much amount is outstanding which is yet to be paid by the allottees.

(vi) The association shall submit account details of bank account of the association and present before the Authority on the next date of hearing as to how much token money shall be deposited by each allottee in a proportionate manner so that remaining works at site can be started.

(vii) DTCP is directed to submit a detailed report with regard to validity of license and outstanding dues, if any. He is further directed to file his reply whether he has any reservation against handing over of the project to the association of the allottees. STP shall submit a report regarding completion of the project and his recommendations, if any, as to how to expedite the completion work of the project.

5. The Authority further observes that any outstanding liability towards the government shall be borne by the respondent company and association shall not be responsible to bear the responsibilities of promoter.

6. The Authority directs the complainants to file a joint complaint through the association on the next date of hearing."

4. Thereafter, matter was listed on 03.04.2019, when Sh. Krishan Kant Pathak, appeared on behalf of complainant and apprised the Authority that project in question consist of three towers, namely, Tower- A, B and C including EWS



units. The possession of Tower-A and B had already been handed over by the respondent, whereas possession of Tower-C has not been handed over, however, 70% of construction and development work of Tower-C stand completed. Further, he specified that all the 10 complaints listed for hearing on 03.04.2019, were related to Tower-C only. Accordingly, he requested the Authority to allow the complainants to take over Tower-C for its completion.

5. Respondent even after receiving notices in all stated complaints in para 2 of this order had choose neither to appear nor to file reply. In view of the above stated situation, Authority in order to safeguard interest of allottees had agreed to explore the possibility of handing over the Tower-C to the association of allottees and passed certain directions to be complied with by allottees.
6. Thereafter, that matter was listed on 24.07.2019, wherein it was recorded that in compliance of orders dated 03.04.2019, RWA had filed single complaint bearing no. 1485/2019 against the respondent-promoter along with certain reports but they had not filed the detailed facts along with the said complaint. Accordingly, RWA was directed to file detailed facts and relief's sought by them. Further, it was observed that a report from DTCP was received, wherein reservation was shown against the handing over of the project to any, including



RWA. Authority for verifying the status of project from technical angel adjourned the case further for 30.07.2019.

5. On 30.07.2019, bunch of 9 complaints were disposed of and merged into one **lead case no. 14 of 2019** (i.e., captioned complaint). During hearing, Mr. Krishna Kant Pathak, President of RWA apprised the Authority that out of 96 apartments, 12 were still unallotted and out of 84 allottees, 79 had become members of association. Further, he submitted certain issues are being faced by association, for which they sort specific directions to be issued to various departments by Authority. Till passing of order dated 30.07.2019, neither anybody appeared for respondent nor any reply was filed.
6. Thereafter, case was listed for hearing on 12.09.2019, when for the first time Mr. Amit Kumar (authorized representative) had appeared for respondent and stated that respondent promoter has no objection to the course taken by this Authority to handover the possession of Tower C to association of allottees. As authorized representative of respondent had appeared for the first time in captioned complaint, he was given opportunity to file detailed reply along with copy of attested authorization letter. Further, Mr. Narinder Nain, ATP appeared for the Town and Country Planning Department and sought time to


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file reply as in house meeting was to be conducted for discussing the plan of action to be opted in this case.

7. Subsequently matter was listed for hearing on 16.10.2019, vide which Authority had directed the office to amend the title of the complaint from "*Sabiha Versus Sh. Anil Jindal*" to "*SRS Pearl Unity Sector 5 Palwal RWA Versus M/s SRS Real Infrastructure Ltd(Anil Jindal)*" and ordered that all merged complaints will now be pursued by RWA through its President Mr. Krishan Kant Pathak. Mr. K.K. Pathak apprised the Authority that total apartments in Tower C are 108 instead of 96. On the other hand, Mr. Amit Kumar, appeared for respondent and stated that there are 7 unsold apartments in Tower-C and remaining 101 apartments stands allotted by the respondent company to allottees. On the same day, during hearing, certain important facts were also brought into the notice knowledge of Authority and considering said circumstances, Authority had issued certain directions, which are reproduced below:

"1. The Authority vide its order dated 30.07.2019, disposed of and merged all complaints with complaint no 14 of 2019 titled "Sabiha V. Anil Jindal". Office is directed to change the title of the cases from "Sabiha V. Anil Jindal" to "SRS Pearl Unity Sec 5 Palwal RWA V. Ms SRS Real Infrastructure Ltd." as the merged complaints are now being pursued by the said RWA through its president namely Mr. Krishan Kant Pathak.

2. Mr. K. K. Pathak, president of the complainant association

K. K. Pathak

stated that they have already complied with the directions given by the Authority vide its order dated 30.07.2019 and the compliance report was placed on record on the last date of hearing i.e. 12.09.2019. The said compliance has already been recorded in the order dated 12.09.2019. He has requested the Authority to allow the complainant association to take over project for its completion. He further requested for correction in the order dated 30.07.2019 with regard to the total number of apartments which were reflected as 96 instead of 108. The Authority allows his request and the total number of apartments which was recorded as 96 in the order dated 30.07.2019, shall be read as 108 apartments.

3. Mr. Amit Kumar, appearing on behalf of respondent company has submitted a reply stating that there is no objection by the respondent company to the course of action followed by the Authority for completion of this project. In his reply he has stated that there is unsold inventory of seven apartments and the remaining 101 flats had already been allotted by the respondent company. He further states that the respondent company has no objection to the sale of seven unallotted apartments by the complainant association. He has brought to the notice of Authority that the entire project is mortgaged to Canara Bank, Neelam Bata Road, NIT Faridabad for an outstanding amount of Rs. 60 Crore Principal amount Rs. 42 Crore + Interest Rs. 18 Crore). The Authority observes that the concerned bank will be entitled to enforce its right for recovery of said outstanding amount only from the respondent company without prejudice to the rights of the allottees of the project for two reasons namely

(i) the bank had advanced the loan without the knowledge of allottees; and

(ii) there is a presumption that bank knew at the time of advancing loan that the project which was to be raised with the aid of allottees funds was actually belonging to the allottees.

4. After consideration of the matter, the Authority orders as follows:-

i. The complainants' association has fulfilled all the requirements for taking over of the project. The Authority now decides to hand over the project to the association for its completion through a contractor appointed by the Association.


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ii. A meeting of the Governing Body of the association shall be held every month in which physical and financial progress of the project shall be placed before the full house. Representative of the DTP and the D.C. Palwal shall be invited in all such meetings. Detailed proceedings of the meetings shall be drawn and submitted every month before this Authority. Notice of said meetings shall be sent to the respondent by the complainant association.

(iii) Deputy Commissioner, Palwal is once again requested to nominate his representative to enable the association to sell un-allotted apartments by way of inviting bids from the prospective Allottees.

Similarly, District Town Planner Palwal should nominate his two representatives who will associate with the association for sale of un-allotted apartments by way of open bidding process. Respondent company should be kept informed about it.

The Association is hereby allowed to go-ahead with this process. They will however not allot any apartment to any buyer without seeking prior approval of this Authority.

*5.****

6. However, after the matter was taken up and order was passed by the Authority, a letter dated 16.010.2019, has been received from Town and Country Planning department stating that owing to the prevailing election modal code of conduct the department shall be in a position to file objections after consultation with the government only after formation of new Government with a request to adjourn the matter for atleast thirty days so that an informed decision by the competent Authority can be taken after consultation with the Government”.

8. Above reproduced order, clearly entails that Authority after taking into consideration all efforts made by the association had allowed the association of allottees to take over the project for its completion. Further, Authority had already observed in its previous orders that respondent had miserably failed to fulfill its obligations towards allottees, as till date none of the allottees of


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Tower-C had got the possession of their respective booked apartments. Observing the situation of the case and considering the principle of natural justice, Authority had deemed it appropriate to handover the Tower-C to its allottees for its completion as per Section 8 of the RERA Act, 2016. Furthermore, protection given to allottees by Authority under Section 8 of RERA Act, 2016, stands explained vide order dated 30.07.2019, at para 5 to 8 of the said order. It is noteworthy to mention that Mr. Amit Kumar, authorized representative of respondent company had also never objected to the decision taken by Authority to hand over of Tower-C to the association of allottees/RWA. Since, then this case was pending for monitoring the progress of the development and construction work of Tower-C of the project on monthly basis. Further, various detailed orders were passed by the Authority from handing over of Tower-C to association of allottees till its actual completion. To be precise orders dated 05.02.2020; 11.03.2020; 12.11.2020; 28.01.2021; 22.07.2021; 25.11.2021; 24.02.2022; 29.06.2022; 07.09.2022 were instrumental towards completion of Tower-C in all aspects by the association of allottees/RWA. To encapsulate the whole matter it is important to consider all earlier referred orders to be read as a part of this final order.



9. Vide order dated 20.12.2022, Mr. Kishore kumar, General Secretary of the association of allottees had apprised the Authority that 84 allottees of Tower-C, who had cleared all pending dues were handed over possession of their respective apartments out of 93 members of association. Thereafter, association prayed for the guidance of the Authority on following remaining issues:

- i. For execution of conveyance deed
- ii. Direction to concerned department to generate property ID.
- iii. Permission to issue an advertisement in newspaper for cancellation of flats of non-responding allottees.
- iv. Sh. Virender Singh, one of the allottee in Tower-C had claimed that he had paid the entire sale consideration to respondent, however, as per records of association he had paid an amount of ₹ 19,000/- only towards the booking of apartment. Further, he had produced certain documents which had no authenticity as neither said document were stamped nor signed by respondent. Therefore, authenticity of said documents needs to be verified.


K. K. Khatwani

10. In view of above submissions made by association of allottees, Authority had observed as follows in the same order dated 20.12.2022:

“ that possession had been handed over only to 84 allottees out of 93 members of association, therefore, at this stage it would not be appropriate to pass directions with regard to execution of conveyance deed rather directions in this regard will be appropriate to be issued after handing over possession to all allottees by RWA.

Regarding advertisement of cancellation of allotment of non-responding allottees, Authority had observed in para 5 of order dated 20.12.2022 that Tower-C stands completed and possession of the respective apartments had also been handed over to the members/ allottees. Now, there remains no reason to interfere in internal affairs of the association and rest of the issues. Therefore, decision in this regard could be made by internal governing body of the association. Further, if any allottee will be aggrieved by the cancellation of its unit by the association of allottees shall have remedy to approach the Authority in terms of provisions of the RERA Act, 2016.

Lastly, claim of Sh. Virender Singh (one of the allottee) being represented by Adv. Kamaldeep Sehra, apprised the Authority that he had paid the entire sale consideration to respondent but association is not having the details of paid amounts by him, therefore, Authority had directed the office to issue notice to Director of respondent company through Jail Superintendent, Neemka Jail, Faridabad to submit documents showing status of the payment of entire sale consideration made by Sh. Virender Singh. Said notice was issued on 23.01.2023 which was received back with a report that, “receiver requested delivery on another date”. It is appropriate to presume that respondent was well aware about the notice content and he intentionally had returned the parcel to be delivered on another date, which makes the delivery of notice successful. However, till date no reply to the said notice has been filed by respondent.”

11. Thereafter, on the last date of hearing on 29.03.2023, Mr. Anuj Chauhan Advocate appeared for Interim Resolution Professional (IRP) appointed by Hon'ble National Company Law Tribunal (hereinafter referred as NCLT) during CRIP proceedings initiated against judgment debtor company ,i.e., SRS Real

Infrastructure Pvt Ltd and stated that NCLT proceedings were initiated against judgment debtor company in August 2022 and moratorium has been invoked under section 14 of Insolvency and Bankruptcy Code, 2016. Therefore, any suit/proceeding pending before any Court/Tribunal has been prohibited till completion of CRIP proceedings. So, he requested that in view of moratorium imposed, the proceedings in present case may also be stayed till completion of CRIP proceedings. Accordingly, case was adjourned for 27.07.2023 awaiting decision in the CRIP proceedings pending before Hon'ble NCLT.

12. Today, Sh. Pranjal P Chaudhary appeared for association of allottees and apprised the Authority that a status report in writing has been filed in registry of Authority i.e. on 27.07.2023, wherein RWA has challenged the order passed by Hon'ble NCLT on the ground that order passed by Hon'ble NCLT should be applicable over properties belonging to respondent company only and not over the Tower-C, which now belongs to members/allottees/RWA as same has been handed over to association of allottees for completion of pending development and construction works vide orders dated 30.07.2019 and 16.10.2019 passed by Authority. As it is a matter of fact recorded in orders since 30.07.2019 till today that Tower-C stands complete by the association of allottees under guidance of the Authority. Now, association vide same status report had prayed before



Authority to pass appropriate directions for discharging the Tower-C from the order passed by Hon'ble NCLT apart from following reliefs:

- i. Authority may kindly inform the Hon'ble NCLT, Chandigarh that Tower-C of SRS Pearl Unity Sector5 Palwal ceases to belong to promoter after being handed over to SRS Pearl Unity Sector 5 Palwal(RWA) under Section 8 of HRERA Act, 2016 with effect from 16.10.2019 with consent of respondent as recorded in Para 3 of order dated 16.10.2019. So that Hon'ble NCLT do not include Tower-C as property belonging to respondent in the CIRP proceedings initiated against respondent.
- ii. Direction be issued to appropriate Authority of Hon'ble ED for vacating provisional attachment orders w.r.t. Tower-C as property no more belongs to respondent company in PMLA Case.
- iii. 85 allottees who had paid their full consideration for booked apartments had got possession letters from RWA duly authorized by the Authority. Said fact is duly recorded vide order dated 07.09.2022 passed by Authority. Now, said 85 allottees be allowed to get conveyance deed registered of their respective apartments. The allottees who are yet to pay



their balance amounts towards their booked apartments be permitted to get conveyance deed executed after making all payments.

- iv. Directions be issued to Hon'ble DTCP/DC Palwal to facilitate execution of Conveyance deed. Further directions be issued to Hon'ble Director General- DTCP with reference to his letter dated 19.01.2023.
 - v. Direction be issued to concerned department to generate property ID.
 - vi. Issuance of final notice of cancellation to non-responding allottees.
13. Taking into consideration all referred orders mentioned at para 1 to 10 of this order, it is clearly observed that association of allottees had completed the pending development and construction work of Tower-C of the project in question. The completion stage of the project in question was also recorded in order dated 25.11.2021, whereby it was observed by the Authority that finishing work was going on in Tower-C of the project. Further, association apprised the Authority vide order dated 29.06.2022, that they had applied for grant of occupation certificate on 29.06.2022 but occupation certificate has still not been granted. In para Para 7 (iii) of order dated 07.09.2022 Authority taking reference to clause 4.10(v) of Haryana Building Code, 2017 has observed that period of 60 days ended on 28.08.2022 and association shall be


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deemed to have received occupation certificate on 28.08.2022. Thereafter, Authority allowed the association of allottees for handing over possession of booked apartments to the respective member-allottees, who had cleared all pending dues.

14. With regard to relief's sought by association of allottees/RWA in para 13 of this order, Authority observes and directs as follows:

14.1 Association has prayed for information to be issued to Hon'ble NCLT, Chandigarh to discharge Tower-C of respondent project from CIRP proceeding initiated against respondent-promoter under Section 14 of Insolvency and Bankruptcy Code, 2016:-

In this regard, Authority observes that project was handed over to association vide order dated 16.10.2019 by the Authority for completion of pending construction and development works and same got completed by association of allottees in the year 2021 with its own efforts and resources. Thereafter, possession stands handed over to respective allottees who had cleared all their pending dues towards booked apartment in year 2022. Now, the applicability of the order passed by Hon'ble NCLT caused trouble for association of allottees as said order jeopardize interest of allottees of Tower-



C. Authority is of the view that Tower-C could only be completed due to contribution of amounts/ money paid by allottees, therefore Tower-C and land beneath the tower-C also belongs to allottees and respondent has no right or claim upon Tower C or the land beneath it. Therefore, association of allottees has unqualified rights over the Tower-C for the reason that Tower-C had been completed only by efforts of association of allottees. Since there remains no ambiguity, regarding the fact that Tower-C belong to allottee, hence it ceases to be an asset of respondent-promoter.

14.2 Directions to be issued to Enforcement Director for vacating provisional attachment orders:-

With regard to this, it is observed that already several times directions had been issued to Enforcement Director, for reference orders dated **05.02.2020** and **25.11.2021** could be considered as passed by the Authority, wherein orders passed by Enforcement Directorate for attachment of the project for default committed by respondent were passed and Authority had dealt with that issue by passing appropriate detailed directions. Relevant para of the said order is reproduced below:

"In regard to the request for issuing directions to Enforcement Directorate to release the project from provisional attachment,

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Authority observes that this project was handed over to association of allottees in terms of Section 8 of the Real Estate (Regulation and Development), Act, 2016. Section 8 of the Act is reproduced below:

"8. Obligation of Authority consequent upon lapse of or on revocation of registration.—Upon lapse of the registration or on revocation of the registration under this Act, the Authority, may consult the appropriate Government to take such action as it may deem fit including the carrying out of the remaining development works by competent authority or by the association of allottees or in any other manner, as may be determined by the Authority: Provided that no direction, decision or order of the Authority under this section shall take effect until the expiry of the period of appeal provided under the provisions of this Act: Provided further that in case of revocation of registration of a project under this Act, the association of allottees shall have the first right of refusal for carrying out of the remaining development works."

Further, provisions of Section 89 of the Act are reproduced below:

"89. Act to have overriding effect—The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force."

5. The RERA Act, 2016 has been enacted by Parliament of India to resolve problems of stuck projects and to get the projects completed for the benefit of home buyers/allottees. An extra-ordinary provision has been incorporated in the Act under Section 8 that if a project is not possible to be completed by promoters, the same can be handed over to the association of allottees. Further, as per provisions Section 89 of RERA Act will have overriding effect on any other law.

It is also to be noted that after allottees have made substantial payment to promoters, the project effectively belongs to them. After completion of project, the project as well as its common services, common lands etc. also have to be handed over to association of allottees. An unmistakable conclusion of said provisions of law is that after a project is handed over to allottees,

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the project ceases to belong to promoters. In that sense this project after being handed over to association of allottees under Section 8 no longer belonged to the promoters, therefore, it cannot be made a part of attachment proceedings initiated by Enforcement Directorate against the promoters. The Enforcement Directorate may attach any property of promoters as per law governing the Enforcement Directorate but this project having been brought out of the ownership of promoters cannot be attached. It is relevant to mention that Authority had handed over the project to association allottees on 30th July 2019. Enforcement Directorate provisionally attached the property of the respondents on 8th January 2020. The project had already been handed over to the association before the attachment proceedings commenced. As such, in terms of legal position stated above, the project was not in the ownership of the promoters as on date of allotment, therefore, it cannot be a subject matter of attachment.

5. The association may therefore, continue with the process of completion of the project. They may present a copy of this order to the officials of Enforcement Directorate in case of any need. The Law Associate will send a copy of this order to the DTCP as well as DTP, Palwal informing them that this project after being handed over to association of allottees cannot be subject matter of attachment of Enforcement Directorate, therefore, they should take further action for granting it part completion certificate/occupation certificate whenever the association approaches them for this purpose."

Thus, now there remains no ambiguity that Tower-C, which was handed over to association of allottees belongs to the allottees and is the asset of the allottees and cannot be made a subject of attachment for any default committed on part of respondent-promoter.



14.3 Directions for execution of conveyance deeds under supervision of Hon'ble DTCP/DC Palwal. Further, directions be issued to Hon'ble Director General- DTCP with reference to his letter dated 19.01.2023:-

In this regard, it is observed by the Authority that as project stands completed by association of allottees and 84 allottees had paid their full consideration out of 93 members of association, it will be in interest of justice that 84 allottees, who had cleared all their pending amounts be allowed to get the conveyance deed registered in their names. To, facilitate this process, Authority directs DM/DC Palwal to depute Revenue Officer for execution of conveyance deed in name of those allottees who will prove that they had paid all their outstanding amounts along with proofs of payments.

Further, it is observed that complainant in their reliefs have sought directions to be issued to Hon'ble Director General- DTCP with reference to letter dated 19.01.2023. However, on perusal of records, it is revealed that association of allottees had not attached referred letter with their pleadings, therefore, any directions with regard to the same could not be passed by the Authority.



14.4 Issuing cancellation notices to defaulting allottees:-

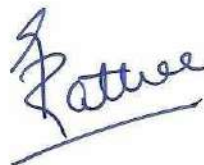
In this regard Authority observes that in case after issuance of various reminders allottees are not paying the outstanding dues, then for cancellation of their allotment a committee consisting of DTP, atleast one representative of Deputy Commissioner and one representative of association of allottees be constituted which shall issue an advertisement in the leading newspaper for outstanding payments to be made by such defaulter allottees. In case, they don't come forward to pay outstanding amounts, such committee shall have all the powers to terminate the allotment of said defaulter allottees. But resale of the units booked by said defaulter allottee shall not be done without prior permission of the Authority.

Furthermore, Authority deems appropriate to clarify that in the case of 15 defaulters mentioned in status report filed by association of allottees on 27.07.2023 including Sh. Virender Kumar, all such allottees may take possession of their units only after paying all pending dues and submitting proof of payment to the association. Thereafter, the directions issued in para 14.3 of this order will be applicable for them as well for execution of conveyance deed. If any, allottee is aggrieved by the cancellation of its unit by



the committee so constitute in above stated para, shall have remedy to approach the Authority in terms of provisions of the RERA Act, 2016.

15. It is pertinent to mention that one of the allottee, Sh. Virender Singh had mentioned his grievance before Authority for the first time during hearing on 05.02.2020. Said fact was recorded in para 3 (e) of order dated 05.02.2020, wherein he has stated that he had paid the entire sale consideration to respondent but association had stated that only sum of ₹ 18,000/- has been shown paid by said allottee. Since, then this issue was considered by Authority on number of occasions. Further, to resolve this issue, Authority had also directed the office to issue notice to Director of respondent company through Jail Superintendent, Neemka Jail, Faridabad to submit documents showing status of the payment of entire sale consideration made by Sh. Virender Singh. Said notice was issued on 23.01.2023 but no reply to the said notice was filed by respondent till date. Vide order dated 11.03.2020, it is recorded that Virender Singh had filed certain documents in support of his claim but those documents do not bear any stamp and seal of respondent company. Since, then many hearing have been passed but those documents were never verified neither by association nor by respondent. Authority observes that these proceedings are summary in nature and in case of lack of documents, dispute



of Sh. Virender Singh cannot be decided in the captioned complaint as many opportunities have already been granted to the Sh. Virender Singh to prove his payments but he has failed to prove the same till date. Therefore, Authority deems appropriate to direct complainant to file a separate case with better particulars along with prove of all payments paid by him to respondent.

16. In view of above, it is concluded that the purpose of filing the complaint is fulfilled. Now, captioned complaint deserves to be disposed of.

With above directions, case is **disposed of**. File be consigned to room after uploading of order on the website of the Authority.


.....
NADIM AKHTAR
[MEMBER]


.....
DR. GEETA RATHEE SINGH
[MEMBER]