

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.73 of 2024

Date of Decision: January 17, 2025

M/s Wonder Infracon Pvt. Ltd., registered office at 1123, DLF Tower B, Jasola District Centre, New Delhi-110025

Appellant.

Versus

1. Legal Heir's of late Shri Anil Deswal, H. No. 1425, Village & Post Office, Dulhera, District Jhajjar, Haryana

2. M/s RPS Infrastructure Ltd. and another, registered office at 1117-1120, 11th Floor, Tower-B, Jasola, District Center, New Delhi-110025.

Respondents

Present : Mr. Stuti Mishra, Advocate for the appellant.
Mr. Jagdeep Kumar, Advocate for respondent No. 1
Mr. Shamsher Tomar, Advocate for respondent No. 2.

CORAM:

Justice Rajan Gupta
Rakesh Manocha

Chairman
Member (Technical)
(Joined through VC)

ORDER:

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against the order dated 04.07.2023, passed by the Authority¹, operative part whereof reads as under:

“Application for impleadment as respondent by Wonder Infracon is hereby rejected by the Authority as this complaint is filed against the respondent by the aggrieved party, i.e., legal heirs of original allottee who have not made Wonder Infracon in this case and

¹ Haryana Real Estate Regulatory Authority, Panchkula

this application cannot be filed by appellant under Section 31 of the RERA Act, 2016.”

2. Admittedly, appellant- Wonder Infracon Pvt. Ltd. was never in the picture. Its name did not figure in the complaint preferred before the Authority below. The complainant arrayed only builder- M/s RPS infrastructure Ltd. as a respondent espousing cause of action against it. Thus, all reliefs are claimed only against M/s RPS Infrastructure Ltd. It is settled law that the plaintiff is the dominus litus. It is not clear as to why M/s Wonder Infracon Pvt. Ltd. wants to be impleaded as respondent in the array of parties.

3. No interference in the impugned order passed by the Authority is called for as we find no infirmity with the same.

4. The appeal is dismissed.

5. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)
(Joined through VC)

January 17,2025.
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