



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 980 OF 2021

M/s Sarvo Technologies Ltd.

.....COMPLAINANT

Versus

Haryana State Industrial & Infrastructure Development Corporation Limited

.....RESPONDENT

**CORAM: Nadim Akhtar
Chander Shekhar**

**Member
Member**

Date of Hearing: 04.11.2024

Present: None present on behalf of complainant.

Adv. Tarun Gupta, counsel on behalf of respondent.

ORDER (NADIM AKHTAR-MEMBER)

1. That during the course of hearing on 05.09.2023, ld counsel for respondent stated that similar complaint no.29 of 2021 is instituted by the complainant having same cause of action and the same is pending before the Hon'ble State Consumer Commission for adjudication. Also, said fact of prior institution of complaint before Hon'ble State Consumer Commission has been admitted by Ld. counsel for complainant during hearing as well.
2. In view of above fact, Authority observed that complainant cannot pursue two parallel complaints for same underlying transaction and therefore

directed the complainant to withdraw the the complaint instituted before the Hon'ble State Consumer Commission in order to proceed the matter for further proceedings before this Authority. Thereafter case was adjourned to **15.11.2023**.

3. On 15.11.2023, Counsel for complainant stated that complaint before the Hon'ble State Consumer Commission has been withdrawn in compliance of order dated 05.09.2023 of this Authority in order to proceed the matter before this Authority and sought time to seek instructions from party-complainant to clarify certain points in order to argue the matter. In view of above, *Authority directed the counsel for complainant to place on record the order whereby complainant has withdrawn its complaint no. 29 of 2021 instituted before Hon'ble State Consumer Commission.* Thereafter case was adjourned to **29.01.2024**.
4. On 29.01.2024, no one appeared on behalf of both the parties, therefore, Authority grants last opportunity to both the parties to appear and prosecute the case. Authority also directed the complainant to place on record the order whereby complainant has withdrawn its complaint no. 29 of 2021 instituted before Hon'ble State Consumer Commission in compliance of order dated 15.11.2023. Case was adjourned to **06.05.2024**.
5. Due to non completion of quorum on 06.05.2024, case was adjourned to **22.07.2024**.




6. Vide order dated 22.07.2024, Authority again directed the complainant to comply with order dated 15.11.2023 and further directed both the parties to prosecute their case, subject to cost of ₹25,000/- payable to the Authority imposed on the respondent.
7. Today, also no one appeared on behalf of complainant and no documents have been filed by the complainant in compliance of order dated 15.11.2023. On the other hand, counsel for respondent made request to allow the application dated 04.11.2024 filed by the respondent. In this regard, Authority observes that an application dated 04.11.2024 has been filed by the respondent to waive off the cost of 25,000/- imposed by the Authority vide order dated 22.07.2024, mentioning the reason that complaint could not be argued on 22.07.2024 because complainant did not comply with the order dated 15.11.2023 as no order of withdrawal of application before the Hon'ble State Commission was filed. Further, it is pertinent to mention that counsel for respondent was not well on that day and a request was also made by an associate for adjournment on medical grounds. In these circumstances, when the complainant did not pursue his own complaint for reliefs against the respondent, then there is no purpose of harping burden upon the respondent. Therefore, in the interest of justice cost of ₹25,000/- stands waived off.
8. Authority observes that despite directions being issued vide order dated 15.11.2023 to place on record the order whereby complainant has



withdrawn its complaint no. 29 of 2021 instituted before Hon'ble State Consumer Commission, complainant still fails to comply with the said order despite availing four opportunities. Also, Authority in various orders directed both the parties to appear and prosecute the case. However, complainant fails to argue and prosecute the case.

9. In above terms, Authority decides to **dismissed** the present complaint for not complying with the directions issued by the Authority with liberty to file fresh complaint with relevant documents, if complaint instituted before Hon'ble State Consumer Commission is withdrawn.
10. File be consigned in the record room after uploading of the order on the website of the Authority.


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CHANDER SHEKHAR
[MEMBER]


.....
NADIM AKHTAR
[MEMBER]