



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 11 OF 2024

Manish Garg

....COMPLAINANT

VERSUS

RPS Infrastructure Ltd.

....RESPONDENT

CORAM: Parneet S Sachdev
Nadim Akhtar
Dr. Geeta Rathee Singh
Chander Shekhar

Chairman
Member
Member
Member

Date of Hearing: 06.02.2025

Hearing: 4th


Present: - Ms. Rashi Jain, counsel for the complainant through VC.
Mr. Garvit Gupta, Counsel for respondent through VC.
Mr. Rohit Mittal, Counsel for M/s Wonder Infracon Pvt. Ltd through VC.

ORDER (PARNEET S SACHDEV – CHAIRMAN)

1. As per the last order dated 24.10.24, the following directions were given by the Authority-
 - i. Complainant was directed to submit on affidavit, payment details in tabular form along with relevant proof thereby mentioning date of payment, amount and page no. wherein proof of such payment is annexed.
 - ii. The complainant shall submit clarification as to relief sought for delay penalty within two weeks.
 - iii. Counsel for respondent was directed to file reply.
2. Pursuant to the aforesaid directions, the hearing was scheduled for today. Authority inquired about the compliance status from both the parties. Ms. Rashi Jain, counsel for the complainant appeared and apprised the Authority that she was unable to comply with the previous directions and requested additional time to submit the requisite documents. On the other hand, Mr. Garvit Gupta, counsel for the Respondent, reiterated that he is facing difficulties in filing reply due to deficiencies in the complaint. He stated that the complainant has not attached the necessary supporting documents. Furthermore, two parties are claiming to be the allottee for the unit in question within the project. He also pointed out that the complainant has attached a copy of a tripartite agreement, but there is no information regarding whether the loan account associated with it has been closed or not. Additionally, as per the complaint file, the LIC may hold the first rights over the property.


3. Considering the submissions made by the parties and the facts presented on record, it is evident that the Complainant bears the primary obligation to diligently pursue the matter and to comply with the directions issued by this Authority. It is a well-established principle that *actori incumbit probatio*—the burden of proof lies on the plaintiff—and it is incumbent upon the Complainant to prosecute the case with due diligence and substantiate the claims made. In the instant complaint, the complaint was filed on 30.01.2024, and today is fourth hearing. More than 12 months have elapsed. Even the very basic evidence i.e proof of payment has not been provided by the complainant. Normally, this should accompany the complaint itself. Further, despite receiving clear instructions from this Authority vide order dated 24.10.2024, the Complainant has failed to furnish the requisite documents and clarifications within the stipulated time frame.
4. It is pertinent to note that Judicial and quasi-judicial forums are enjoined to ensure the expeditious disposal of matters, and any party's negligence or indifference cannot be permitted to frustrate the process. In view of the foregoing, this Authority is constrained to proceed in accordance with law, taking into account the Complainant's non-compliance and failure to exercise due diligence. Thus, Authority decides to dispose of the captioned complaint as **dismissed**. Complainant is at liberty to file a fresh complaint with proper proof as and when they become available to him.

5. Hence, the complaint is accordingly **dismissed** in view of above terms. File be consigned to the record room after uploading of the order on the website of the Authority.


CHANDER SHEKHAR
[MEMBER]


DR. GEETA RATHEE SINGH
[MEMBER]


NADIM AKHTAR
[MEMBER]


PARNEET S SACHDEV
[CHAIRMAN]