



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: [www.haryanarera.gov.in](http://www.haryanarera.gov.in)

### 1. COMPLAINT NO. 1077 OF 2021

Urvashi Hooda

....COMPLAINANT

VERSUS

Suman Villas Pvt. Ltd.

....RESPONDENT

### 2. COMPLAINT NO. 1078 OF 2021

Rajiv Dalal

....COMPLAINANT

VERSUS

Suman Villas Pvt. Ltd.

....RESPONDENT

**CORAM: Nadim Akhtar  
Chander Shekhar**

**Member  
Member**

**Date of Hearing: 21.04.2025**

**Hearing: 12<sup>th</sup>**

**Present: - None for the complainants  
None for the respondent .**

### **ORDER (NADIM AKHTAR-MEMBER)**

1. The above complainants have pleaded in their complaint that they booked a residential flat (Unit No. B-511, Tower B, 5th Floor) in a Group Housing Complex at Sector 8, Jhajjar, on 17.09.2012, for which the respondent issued

an allotment letter dated 08.06.2013. Despite the passage of over eight years since the execution of the agreement, the respondent has failed to offer possession of the flat to the complainants. Subsequently, a Memorandum of Understanding (MoU) was signed between the parties on 15.06.2017, wherein the respondent acknowledged their inability to hand over possession. As per the terms of the MoU, the respondent agreed to pay compensation of ₹10,000/- per month to the complainants until the actual possession was delivered. However, the respondent has defaulted on this obligation and has not paid the agreed compensation even once. Complainant is primarily seeking relief of possession along with delayed interest from the Authority.

2. On the other hand, as per reply filed by the respondent dated 04.01.2022, respondent submits that the construction of Towers B and D commenced in 2013 after erecting a boundary wall around the entire licensed plot. While the structural work for both towers was completed by 2016-2017, the Government of Haryana required the respondent to submit revised zoning and building plans due to the permitted migration of vacant licensed land under the Deen Dayal Scheme. Although the plans were submitted promptly, the government raised repeated objections, leading to prolonged delays. Final approval was granted only on 05.11.2020, which explains the delay in handing over possession. Out of the total 240 flats (108 in Tower B and 132 in Tower D), the construction of all 108 flats in Tower B has been fully




completed and is ready for possession. The respondent has already applied for the Occupation Certificate (OC) for Tower B. The respondent acknowledges that the complainant has paid a total of ₹36,50,780/- towards the flat. However, granting a refund at this stage would cause significant disruption to the respondent's operations and financial stability, especially since the project is nearing completion and possession is imminent.

3. Today, none appeared on behalf of both the parties.
4. The Authority takes cognizance of the fact that the present matter is *sub judice* before the Hon'ble National Company Law Tribunal (NCLT), where a moratorium under the Insolvency and Bankruptcy Code, 2016, is in operation against the respondent builder. Additionally, the Authority notes with concern the complainant's persistent non-appearance over the last four consecutive hearings (22.11.2023, 29.01.2024, 12.08.2024, and 09.12.2024). Despite clear directions in the order dated 09.12.2024 mandating personal appearance to pursue the claims, the complainant has failed to appear before the Authority in today's 12th hearing as well. In light of the ongoing NCLT proceedings and the complainant's consistent failure to prosecute the matter, the Authority is left with no option but to dismiss the complaint for non-prosecution. However, this dismissal shall not preclude the complainant from filing a fresh complaint, after the Hon'ble NCLT renders its decision in the matter



5. Authority decides to dispose of the captioned **complaint as dismissed** for non prosecution. Hence, the complaint is accordingly **disposed of** 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]

  
NADIM AKHTAR  
[MEMBER]

