



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 746 OF 2022

The Ozone Park Resident Welfare Association

....COMPLAINANT

VERSUS

Shiv Sai Infrastructure Pvt. Ltd. & Anr.

....RESPONDENT

CORAM:

Parneet Singh Sachdev
Nadim Akhtar
Chander Shekhar

Chairman
Member
Member

Date of Hearing: 24.04.2025

Hearing: 10th

Present: - Mr. Geetansh Nagpal, proxy counsel for Adv. Avinash Kumar, counsel for the complainants through VC.
Mr. Anurag Sharma, proxy counsel for Adv. Rajesh Goswami, counsel for the respondent through VC.

ORDER (PARNEET S SACHDEV – CHAIRMAN)

1. The operative part of the last order dated 24.10.2024 is reproduced below for reference:

“On the last date of hearing, Id counsel, Avinash Kumar appeared on behalf of the complainant and submitted that he has been newly engaged in the matter. He sought time to file a rejoinder along with the Vakalatnama. The request was considered and accepted, granting counsel for the complainant three weeks to submit the rejoinder in

the registry of the Authority, with an advance copy to be provided to the opposite party before the next hearing date.

As per the office records, it is noted that the rejoinder has not been filed till date.


Today, proxy counsel appeared on behalf of the complainant and informed the Authority that the main counsel is presently suffering from dengue, which has prevented the filing of the rejoinder. Accordingly, a further extension of time was sought to file the same.

In view of the submissions, the Authority has granted the complainant an additional period of three weeks to file the rejoinder, with an advance copy to be supplied to the opposite party. This will be the last hearing and the case may be decided on merits ex-parte in case appropriate compliance is not made by any of the parties."


2. It is pertinent to note that the present complaint was instituted in the year 2022, with the first hearing held on 28.06.2022. Since inception, there has been a consistent pattern of non-appearance or delayed compliance on behalf of the complainants.
3. On perusal of the order file, it is revealed that on 15.12.2022, 04.07.2023, and 05.03.2024, Id. counsel for the complainants failed to appear before the Authority. On 04.07.2024, Mr. Avinash Kumar, Id. Counsel for the complainants, appeared claiming to have been newly engaged and sought time to file a rejoinder along with a Vakalatnama. His request was duly considered, and sufficient time was granted till the next hearing scheduled on 24.10.2024. However, on the said date, only a proxy counsel appeared asking for yet another adjournment.
4. Authority observes that there have been multiple instances of non-prosecution even though opportunities running into more than one year have been granted to

the complainants, and no effective steps have been taken to advance the proceedings.

5. The consistent absence and failure to comply with directions of the Authority reflect a clear lack of interest in pursuing the complaint. It is well settled principle that "*justice delayed is justice denied*" not only to the contesting parties but also adversely affects the efficiency and credibility of adjudicatory forums. The complainants cannot be permitted to indefinitely delay the proceedings without sufficient cause.
6. Accordingly, in the interest of justice and fair procedure, the present complaint stands **dismissed for non-prosecution**. File be consigned to the record room.


CHANDER SHEKHAR
[MEMBER]


NADIM AKHTAR
[MEMBER]


PARNEET SINGH SACHDEV
[CHAIRMAN]