



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

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

Complaint no.:	205 of 2023
Date of filing:	23.01.2023
First date of hearing:	15.03.2023
Date of decision:	28.04.2025

Rohit Chaudhary  
S/o Om Prakash Chaudhary  
R/o Flat no. B-525, Panchkula heights,  
Peer Muchella, dhakauli,  
SAS nagar, Punjab

....COMPLAINANT

VERSUS

M/s Samar Estate Pvt Ltd  
Through its Managing Director,  
Registered office- #87, Sector 7,  
Panchkula, Haryana.

....RESPONDENT

**CORAM: Nadim Akhtar**

**Member**

**Chander Shekhar**

**Member**

**Present:** Adv. Sanjeev Vashisht, proxy counsel for Adv. Vishal Madaan,  
counsel for complainant through VC.

None for the respondent.

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

1. Complainants have pleaded in their complaints that the Complainant and her mother (now deceased) had jointly booked a residential villa admeasuring 166 sq. yards in the project titled "*Omaxe City, Yamuna Nagar*", being developed by the Opposite Party, in a pre-launch scheme. That the Builder Buyer Agreement (BBA) was executed on 04.06.2007. As per the said agreement, the Date of Delivery of Possession (DDOP) was agreed to be within 24 months from the commencement of construction, i.e., possession was expected by 2009. That the total Basic Sale Price / Total Sale Consideration (BSP/TSC) for the said villa was ₹36,32,000/-, out of which the Complainant has already paid ₹32,68,800/- to the Opposite Party. That despite making 90% of the total sale consideration, the Opposite Party has completely failed to deliver possession of the unit within the stipulated period. That shockingly, construction work on the project has been halted for the past 6–7 years, with no sign of resumption. This has caused immense mental agony, harassment, and financial distress to the Complainant. That during this prolonged delay, the Complainant's mother, a co-applicant and co-purchaser of the unit, unfortunately passed away on 16.11.2015. That the Complainant has waited patiently for over 16 years, with no progress on the unit and no communication or justifiable cause shown by the Opposite Party. The Opposite Party is liable for delay, deficiency in



service, and unfair trade practices. That in view of the inordinate delay, abandonment of construction, and failure to fulfill contractual obligations, the Complainant seeks refund of his paid amount along with interest from the Authority

2. On the other hand, neither anyone appeared on behalf of respondent nor respondent has filed his reply till date.
3. Ld. counsel for complainant submitted that moratorium has been imposed on the company and matter is now pending before Hon'ble National Company Law Tribunal (NCLT).
4. The Authority took 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. The Authority observes with serious concern that the Complainant has persistently failed to comply with the repeated and specific directions issued by this Authority vide its orders dated 09.11.2023, 01.04.2024, 05.08.2024, and most recently on 02.12.2024, wherein in each of these orders, the Complainant was categorically directed to:

- i. Place on record the legal heir certificate of Late Smt. Sarla Devi (the deceased co-applicant and mother of the Complainant); and





- ii. Submit the complete set of receipts and documentary evidence substantiating the total amount paid by the Complainant towards the booked unit.


However, despite ample opportunities granted over multiple hearings and the passage of considerable time, the Complainant has failed to comply with the aforesaid directions. This consistent non-compliance not only amounts to deliberate disregard of the Authority's orders but also reflects a lackadaisical and negligent attitude towards the prosecution of his own case. Such conduct hampers the effective adjudication of the complaint and unnecessarily delays the proceedings, thereby defeating the objective of timely redressal under the Act.

5. In view of the statutory bar imposed under Section 14 of the Insolvency and Bankruptcy Code, 2016, and considering that the CIRP proceedings may continue for a substantial period of time, this Authority is precluded from proceeding with or adjudicating the present complaint at this stage. Therefore, Authority decides to dismiss the complaint without entering into the merits.
6. The complainant, however, shall be at liberty to file a fresh complaint before this Authority as and when the decision of the Hon'ble NCLT is announced, upon the conclusion of the CIRP, and only if there is relief that the Authority can grant as per statute.



7. In view of the aforesaid observation, the present case is hereby **dismissed** and accordingly stands disposed of.

File be consigned to the record room.

  
.....  
**CHANDER SHEKHAR**  
**[MEMBER]**

  
.....  
**NADIM AKHTAR**  
**[MEMBER]**

