



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Date of decision:	28.04.2025
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Name of Builder	Suman Villas Pvt. Ltd.
Name & Location of Project	Jhajjar One, Sector-8, Revenue Estate, Jhajjar

Sr. No.	Complaint No(s).	Complainants
1.	39 of 2022	Jyotsna Sharma R/o Ward no 1 civil line opp. Bagh Jawahara Stadium JhajjarComplainant
2.	42 of 2022	Anita sharma R/o Ward no 1 civil line, opp. Bagh jawahra stadium Jhajjar.Complainant

Versus

Suman Villas Pvt Ltd registered office at SEO 50-51, 1st floor, Old Judicial Complex, Civil Lines, Gurgaon-122001

CORAM: Nadim Akhtar

Member

Chander Shekhar

Member

Present:- Adv. Sandeep Kotla, counsel for the complainants through VC in both complaints

None for the respondent in both complaints.

ORDER (NADIM AKHTAR - MEMBER)

1. The above complainants have pleaded in their complaints that Respondent launched a residential project by the name "Jhajjar One" in the year 2008, wherein Flat No. D-017 in Tower D was booked by the original allottee, Mr. Hem Raj Saini, vide Allotment Letter dated 22.07.2013. Pursuant thereto, an agreement was executed between the Respondent and the said original allottee. Thereafter, the Complainants lawfully purchased the said flat from Mr. Hem Raj Saini through an endorsement receipt dated 16.02.2015, whereby all rights, interests, and liabilities in respect of the said flat were transferred to the Complainants. The Respondent had assured and promised the Complainants that possession of the said unit would be delivered by 31.12.2018. However, despite the lapse of considerable time, no possession has been handed over to the Complainants till date. Furthermore, a Memorandum of Understanding was executed between the parties on 06.06.2017, wherein the Respondent undertook to pay a monthly rent of ₹10,000/- to the Complainants with effect from 01.06.2017 until the date of



actual possession. It is submitted that the Respondent made such payments only up to 01.06.2018 and has arbitrarily and wrongfully discontinued the same thereafter, thereby causing continued financial hardship and mental harassment to the Complainant. Aggrieved from the situation, Complainants are primarily seeking relief of possession along with delayed 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. 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. The Authority observes with serious concern that, despite repeated directions issued by the Authority vide orders dated 22.11.2023, 29.01.2024, 12.08.2024, and most recently on 09.12.2024, the Complainants were specifically directed to file documentary evidence, including receipts, to substantiate the payments made to the Respondent in relation to the flats in question. However, the Complainants have consistently failed to comply with these directions. Even till today, complainants have failed to comply with the directions of the Authority. This repeated non-compliance, despite ample opportunities granted, demonstrates a deliberate



and negligent approach on the part of the Complainants towards the proceedings. Such conduct reflects a lack of seriousness and diligence in pursuing the complaints and undermines the efficacy of the adjudicatory process before this Authority.

4. 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.
5. 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.
6. 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]