



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Complaint no.:	1259 of 2022
Date of filing:	17.06.2022
First date of hearing:	09.08.2022
Date of decision:	19.05.2025

Devender Singh

S/o Sh. Balraj

R/o House no 114 Ward no. 18,

Subhash Nagar, Jhajjar,

Haryana-124103

.....COMPLAINANT

Versus

M/s Suman Villas Private Limited

SCO 50-51, 1st floor,

Parnami Tower, Old Judicial Complex Civil Line

Gurugram

.....RESPONDENT

CORAM: Nadim Akhtar

Member

Chander Shekhar

Member

Present:- None for complainant.

None for the respondent

ORDER: (NADIM AKHTAR-MEMBER)

1. Relevant part of last order dated 20.01.2025 is reproduced below:

1. Relevant part of last order dated 22.11.2023 is reproduced below:

- 1. "As per last order dated 29.08.2023, Authority granted another opportunity to the Resolution Professional to file an affidavit in the Authority and submit his written submissions specifically mentioning the status of the Committee of Creditors in the registry. Complainant in captioned complaint was also directed to send copy of his complaint to resolution professional via email shared amongst them during hearing on 11.04.2023.*
- 2. Learned counsel for complainant apprised the Authority that no affidavit is filed by Resolution Professional till date in compliance of order dated 29.08.2023 passed by the Authority. Another opportunity is granted by the Authority to the Resolution Professional to comply with the last order passed by the Authority.*
- 3. In addition, perusal of file revealed that complainant has placed on record receipts issued by the respondent for the paid amount by the name of Ravinder Singh s/o Mr. Devender Singh. However, captioned complaint is filed by the name of Mr. Devender Singh.*
- 4. Complainant is directed to clarify the above stated query raised by the Authority before next date of hearing and file copies of all the receipts of payment made to the respondent, in the registry. In case, there are no proper receipts, then complainant may file an affidavit stating therein the exact amounts and dates on which the said amounts were paid by the complainant to the respondent duly supported with bank statement of accounts highlighting the dates of credit of amounts in the account of respondent. Complainant is further directed to submit required documents with an advance copy supplied to the opposite party."*




2. *Today, none appeared on behalf of both the parties. Authority grants last opportunity to the complainant to comply with the orders of the Authority dated 22.11.2023.*
3. *Authority grants an opportunity to the Resolution Professional to file an affidavit in the Authority and submit his written submissions specifically mentioning the status of the Committee of Creditors and the status of resolution of project in the registry.*
2. The Authority observes with concern that the complainant has failed to appear in the last hearing, despite clear and repeated directions issued in earlier orders, including those dated 29.08.2023, 22.11.2023, and 20.01.2025. This persistent non-appearance reflects a lack of intent to prosecute the matter diligently.
3. Today also none appeared on behalf of both the parties.
4. Furthermore, the complainant has not filed any additional documents or clarification in compliance with the directions of the Authority. Notably, the receipts placed on record in support of the alleged payments made to the respondent are all in the name of *Ravinder Singh S/o Devender Singh*, whereas the instant complaint has been filed by *Devender Singh*.
5. This discrepancy goes to the root of the matter and raises a fundamental jurisdictional issue. As per Section 2(d) of the Real Estate (Regulation and Development) Act, 2016, an "allottee" is a person to whom a plot, apartment, or building has been allotted or sold. In the absence of any documentary evidence to establish that the complainant, *Devender Singh*, is the actual



allottee or payor of the consideration, the complaint is not maintainable before this Authority.

6. Despite multiple opportunities, the complainant has neither clarified this discrepancy nor filed the requisite affidavit or supporting bank statement. The complainant's failure to establish allottee status directly affects the maintainability of the complaint. If the receipts pertain to a third party and not to the complainant, it implies that the complainant is not an allottee within the meaning of the Act and as such, no relief can be granted by this Authority under the provisions of the RERA Act.
7. Given the continued absence of the complainant, non-compliance with the Authority's directions, failure to produce relevant documents and the serious jurisdictional issue surrounding the identity of the allottee, the Authority is constrained to conclude that the complainant is not prosecuting the case with due diligence.
8. 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]