



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1615 OF 2022

Vishal

....COMPLAINANT

VERSUS

Jindal Realty Pvt Ltd.

....RESPONDENT

CORAM:	Parneet Singh Sachdev	Chairman
	Nadim Akhtar	Member
	Dr. Geeta Rathee Singh	Member
	Chander Shekhar	Member

Date of Hearing: 10.07.2025

Hearing: 11th

Present: - Vikas Gulla, counsel for the complainant through VC .

None for the respondent.

ORDER (PARNEET S SACHDEV – CHAIRMAN)

1. Vide order dated 03.05.2023, Authority, directed the complainants to file a valid legal heir certificate for proper adjudication of the complaint but despite repeated directions and multiple opportunities, the complainants have failed to furnish the requisite legal heir certificate since 2023.
2. It is pertinent to note that a legal heir certificate is a document having the force of the statute; issued by a competent authority after conducting due

verification of the lawful heirs of a deceased person. It is necessary for adjudicating claims related to rights, titles, and interests in immovable property etc of the deceased. Under the Hindu Succession Act, 1956, which governs intestate succession among Hindus, the term “*heir*” is defined in **Section 3(1)(f)** as follows:

“Heir” means any person, male or female, who is entitled to succeed to the property of an intestate under this Act.

3. The scheme of succession is laid out in Sections 8 and 9 of the Act, wherein Class I heirs (such as spouse, son, daughter, mother, etc.) are given priority. Therefore, legal entitlement as an heir must be proven by means of a valid certificate issued by a competent authority after verification in accordance with the provisions of the Act.
4. U/s 2(d) of the RERD Act, the following definition is provided for an allottee:-

““allottee” in relation to a real estate project, means the person to whom a plot, apartment or building, as the case may be, has been allotted, sold (whether as freehold or leasehold) or otherwise transferred by the promoter, and includes the person who subsequently acquires the said allotment through sale, transfer or otherwise but does not include a person to whom such plot, apartment or building, as the case may be, is given on rent;”

In case the original Allottee is deceased, it is vital for the Authority, to determine who will enter the shoes of the original ‘Allottee’. Unless the new ‘Allottee(s)’ are clearly established, this Authority cannot adjudicate

upon a complaint that requires a relief to an Allottee vis-à-vis the promoter.


As discussed above, it is the legal Heir certificate that will determine who the new Allottees(s) are vis-à-vis the deceased one.

5. In view of the foregoing, and particularly in light of the complainant's failure to submit the legal heir certificate as required, the present complaint is dismissed without going into the merits, for want of necessary documentation required for its adjudication. As and when a legal heir certificate in the prescribed format is issued by the competent authority, the legal heir(s) will have the liberty to file a fresh complaint.

6. Accordingly, the present complaint stands **dismissed** for non-prosecution.

File be consigned to the record room after uploading on the website.


CHANDER SHEKHAR
[MEMBER]


DR. GEETA RATHEE SINGH
[MEMBER]


NADIM AKHTAR
[MEMBER]


PARNEET S SACHDEV
[CHAIRMAN]