



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Complaint no.:	1611 of 2022
Date of filing:	25.07.2022
First date of hearing:	21.09.2022
Date of decision:	04.08.2025

1. Ashwani Nagar S/o Sh. Narender kumar
D-225, Near Vishwas Convent School,
Dabua Colony,
Faridabad, Haryana

2. Afsana Begum, W/o Ashwani Nagar
D-225, Near Vishwas Convent School,
Dabua Colony,
Faridabad, Haryana

Versus

.....COMPLAINANTS

Jotindra Steel & Tubes Limited
14/3, Mathura Road, Sector-45
Faridabad, Haryana - 121003

.....RESPONDENT

CORAM: Nadim Akhtar

Chander Shekhar

Member

Member

Present: - Adv. Bhupinder Gupta, Counsel for the complainant through VC.

Adv. Amrit Singh, counsel for respondent through VC.

ORDER (NADIM AKHTAR-MEMBER)

1. Relevant part of last order dated 12.05.2025 is reproduced below:

"1. Vide order dated 16.12.2024, complainant is again directed to comply with the order dated 13.05.2024 of the Authority before next date of hearing.

2.Ld. Counsel for the complainant stated that he is filing an affidavit by today itself in compliance of order dated 23.11.2024. He further stated that he has also clarified the refund of amount of ₹1,30,000/- in the affidavit. However, perusal of file reveals that complainant has not filed any affidavit till date.

3. Authority grants last opportunity to the complainant to comply with the orders dated 23.11.2024 before next date of hearing and also supply a copy of the same to the respondent."

2. Today, learned counsel for the complainant appeared and sought further time to comply with the directions passed by the Authority vide its earlier order.

3. The Authority, upon perusal of the case record, notes the following chronology of non-compliance:

- i. **Vide order dated 10.08.2023**, the complainant was initially directed to place on record proof of payments made to the respondent against the total sale consideration as per the Builder Buyer Agreement (BBA) and the matter was adjourned to **23.11.2023**.



- ii. On **23.11.2023**, the complainant again sought time to comply with the said directions, while stating that an amount of ₹2,66,000/- had been paid against the total sale consideration of ₹26,59,532/- in respect of the unit in question. However, no supporting proof of payment was filed.
- iii. The case was thereafter adjourned to **23.01.2024**, but due to an internal meeting of the Authority, it was listed on **19.02.2024**, which was not taken up due to the suspension of work by the local bar association.
- iv. The matter was subsequently listed on **13.05.2024**, where again the complainant sought further time to place on record the receipts of payment. Consequently, a last opportunity was granted, and the matter was adjourned to **30.09.2024**.
- v. On **30.09.2024**, the complainant failed to appear at the time of hearing; however, the counsel appeared later and requested that his presence be marked. The Authority once again directed the complainant to comply with earlier orders, and the case was adjourned to **16.12.2024**.
- vi. On **16.12.2024**, no compliance was made and no one appeared on behalf of the complainant. The Authority reiterated its direction for compliance.
- vii. On **12.05.2025**, the complainant falsely claimed that an affidavit had been filed clarifying the payment of ₹1,30,000/-, but no such affidavit was found on record.




viii. Today also, instead of complying with repeated directions, further adjournment has been sought on behalf of the complainant.

4. The Authority observes that repeated adjournments have been sought by the complainant merely for the purpose of placing on record proof of payments made towards the unit in question. The Authority is of the considered view that proceedings under the Real Estate (Regulation and Development) Act, 2016 are summary in nature, intended for expeditious adjudication of disputes. In the present case, sufficient and repeated opportunities have already been extended to the complainant from as early as 10.08.2023 till date for compliance with the directions of the Authority.
5. Despite ample time and liberty being granted, the complainant has failed to demonstrate any bona fide intent to pursue the matter diligently or to support his claim by filing even the most basic documents such as an affidavit or payment receipts. This conduct clearly reflects gross negligence, lack of seriousness, and deliberate non-compliance on the part of the complainant in pursuing his own case.
6. It is further noted that a considerable delay of over **725 days** have already occurred owing solely to the complainant's repeated default and non-cooperation, which has not only hampered the progress of the case but has also resulted in unnecessary wastage of judicial time and resources.



7. In view of the above circumstances, and considering the continued non-compliance of directions issued by the Authority, the present complaint is hereby **dismissed for non-prosecution**, with **liberty to the complainant to file a fresh complaint** in accordance with law, with all requisite documents properly annexed and reliefs appropriately framed.
8. In view of the aforesaid observation, the present case is hereby **dismissed** and accordingly stands disposed of.

File be consigned to the record room after uploading of this order on the website of the Authority.


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CHANDER SHEKHAR
[MEMBER]


.....
NADIM AKHTAR
[MEMBER]