



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Complaint no.:	282 of 2023
Date of filing:	16.02.2023
First date of hearing:	02.05.2023
Date of decision:	08.05.2025

Ajay Kumar Pal & Rajpal Singh
R/o 606, Indira Colony, Muzaffarnagar,
Uttar Pradesh

....COMPLAINANTS

VERSUS

1. Aegis Value Homes Ltd.
EF-10, Second floor, Inderpuri, New Delhi-110012
2. J.D. Universal Infra Ltd.
35, Basement Community, Community Centre,
Vasant Vihar, Delhi-110057.

....RESPONDENTS

CORAM:

Parneet Singh Sachdev
Nadim Akhtar
Chander Shekhar

Chairman
Member
Member

Present: Mr. Sandeep Goswami, Proxy for Adv. Rajesh Bura, Counsel for complainants

Mr. Neeraj Goel & Mr. Tarun Ranga, Counsel for the Respondents.

ORDER (PARNEET S. SACHDEV-CHAIRMAN)

1. In the captioned complaint, case was adjourned on previous date of hearing, i.e.23.01.2025 granting time to complainant to place on record receipts for total claimed amount. Relevant part of last order dated 23.01.2025 is reproduced below:

“Vide order dated 11.07.2024, complainants were directed to file proof of the claimed paid amount of Rs 8,09,798/- as receipt of only Rs 7,99,798/- are attached in complaint file.


As per office record, complainants have not filed document clarifying the paid amount till date even after availing two opportunities for the same. Today, no one appeared on behalf of complainant.

In these circumstances, last opportunity is granted to complainant to file proper proofs of total paid amount before the next date of hearing, failing which case will be heard on merits on the basis of available documents on next date of hearing. Case is adjourned to 08.05.2025 for arguments.”


2. Today, Adv. Sandeep Goswami, proxy counsel for Adv. Rajesh Bura appeared and again requested for a short adjournment on the ground that main counsel is not available and sought time to file receipts in respect of total claimed amount.
3. The Authority observes that today marks the 9th hearing in the present matter. Perusal of the case file reveals that the Authority, vide orders dated 25.04.2024, 11.07.2024 and 14.11.2024, had specifically directed the complainant to place on record receipt of total claimed amount. However, despite the passage of considerable time and multiple opportunities granted

by the Authority, the complainant has neither placed on record proper receipts nor presented arguments in captioned complaint till date.

4. This conduct has contributed to an inordinate delay of 379 days, which is not only unwarranted but also obstructs the timely dispensation of justice. In the case of Kedar Nath Kohli vs Sardul Singh, 2003VIIIAD(DELHI)313, the Hon'ble Delhi High Court upheld the maxim of *Actori incumbit onus probandi*. As is clear from the conduct of the complainant, he has not even bothered to substantiate his own claims.
5. In light of complainant's consistent failure to prosecute the matter, the Authority is left with no option but to **dismiss the complaint for not filing of proper documentary evidence/non-prosecution.**
6. 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]


PARNEET S. SACHDEV
[CHAIRMAN]