



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 1773 OF 2023

M.P Gupta & Ors.

.....COMPLAINANT

Versus

M/s Ansal Landmark Township Pvt Ltd
(Sushant Royale Sector-36, Karnal)

.....RESPONDENT

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

Date of Hearing: 15.05.2025

Hearing: 5th

Present: None for the complainants
Mr. Vineet Sehgal, Counsel for the respondent through VC.

ORDER (PARNEET S. SACHDEV-CHAIRMAN)

1. In the captioned complaint, notice dated 06.12.2023 was issued to respondent to file reply. Same got delivered successfully on 08.12.2023. Accordingly, case was listed for first hearing on 20.12.2023. On said date, respondent sought time to file reply. Accepting the request, case was adjourned to 02.04.2024. Further, Authority had observed that:-

"From perusal of the file it is revealed that 26 allottees/complainants have filed the present complaint seeking different reliefs. Whereas, few of the reliefs sought are relief in rem and others are relief in personam for which individual BBA have to be considered before adjudication of the matter. Thus, present complaint isn't maintainable in the present form.

Further, from perusal of the facts in the complaint depict that joint cause of actions should not be raised; rather complainants/allottees should file separate complaints raising each cause of action in their individual complaints. At this stage, question of maintainability is to be determined. No document has been filed as to whether any association has been formed or not? If an association of allottees is formed, such association may file a complaint for common reliefs.

In view of the above, it is directed that for effective adjudication, the complainants/allottees may file separate individual complaints for seeking relief in personam. For the common issues, they may continue with the present complaint. Ld. Counsel for the complainants submitted that he will file an affidavit, wherein he will enunciate the common reliefs and shall request/ pray to restrict the complaint to those reliefs. Ld. Counsel for the complainant is directed to file said affidavit within next 4 weeks. "



2. Details of further hearings in brief are mentioned below:-
3. **Second hearing** dated 06.08.2024-No one appeared for complainant nor affidavit was filed as directed by the Authority.
4. **Third hearing** dated 10.12.2024-Case was referred to Full Bench of the Authority.
5. **Fourth hearing** dated 20.02.2025-Affidavit not filed. Complainant's counsel appeared and stated that affidavit is not required to be file as complaint is maintainable. He wanted to physically argue the case on issue of maintainability.
6. The Authority observes that today marks the **fifth (5th)** hearing in the present matter. Perusal of the case file reveals that the complainant has not filed any affidavit till date nor has put forth arguments (oral/written) in support of his plea. In fact, no one has put in appearance today on behalf of complainant. Till date, time period of 1.5 years have lapsed granting opportunities to complaint to present/argue his case.
7. However, despite the passage of considerable time and multiple opportunities granted by the Authority, the complainant has failed to proceed with his matter. This conduct has contributed to an inordinate delay of 513 days, which is not only unwarranted but also obstructs the timely dispensation of justice.



8. In light of complainant's consistent failure to prosecute the matter, the Authority is left with no option but to **dismiss the complaint for non-prosecution**.
9. 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]


DR .GEETA RATHEE SINGH
[MEMBER]


NADIM AKHTAR
[MEMBER]


PARNEET S. SACHDEV
[CHAIRMAN]