



HARERA
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HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी. डब्ल्यू. डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY

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Day and Date	Thursday and 08.05.2025
Complaint No.	CR/3088/2024 Case titled as Swatee Arora VS Hometown Properties Private Limited & Mascot Buildcon Private Limited
Complainant	Swatee Arora
Represented through	Shri Abhinav Chandan Advocate
Respondent	Hometown Properties Private Limited & Mascot Buildcon Private Limited
Respondent Represented	Shri Gulshan Sharma Advocate
Last date of hearing	06.02.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings-cum-order

The present complaint was filed on 16.07.2024 and reply on behalf of respondent was received on 06.02.2025 along with application for waiver of cost.

The present complaint has been filed by Ms. Swatee Arora stating that she, along with her husband Mr. Manish Arora, had booked two units with respondent no.2 and had paid a sum of Rs. 7,50,000/- each towards the booking of the said units. Further, the complainant came to know that the respondent no.2 has made misrepresentation and is making bookings in the name of respondent no.1.

On contrary the respondent raised an objection towards the maintainability of the present complaint. The counsel for the respondent submitted that the complaint pertains to two distinct units which have been allotted in the names of two separate individuals Swatee Arora and Manish Arora. Further submits that the complainant, being an individual allottee of only one of the said units, cannot seek relief in respect of both units through a single complaint. Hence, the present complaint should be dismissed on the ground of non-maintainability.



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Upon perusal of the documents on records and submission made by the parties the Authority observes that the two units in question have been separately booked by the complainant vide application for registration for provisional allotment undated one in the name of **Swatee Arora** and the other in the name of **Manish Arora** i.e.

- i. Shop no.8 in the name of **Swatee Arora** (as per application for registration of provisional allotment page 14 of reply)
- ii. Shop no.5 in the name of **Manish Arora** (as per application for registration of provisional allotment page 25 of reply)

Further, the demands letters and cancellation were issued to the allottee individually in respect of their own unit. The present complaint, however, has been instituted solely by Swatee Arora without making the Manish Arora a proper party to instant complaint and is seeking reliefs with respect to both units.

In light of the above, the Authority is of the considered view that that each allottee, being an independent and separate entity in the eyes of law, is required to file a complaint in their own capacity with respect to their individual grievance concerning their specific allotment. The units were separately allotted and involve distinct contractual relationships between the allottees and the promoter, each such grievance must be raised in an individual complaint, as the cause of action and entitlement to relief are separate and independent.

Therefore, in view of the above the present complaint is not maintainable as the same has been filed by a single complainant/allottee seeking relief in respect of two different units allotted to two different individuals. However, the complainant/allottees are at liberty to file fresh complaints individually in correct prescribed format along with the MOU/BBA for their specific unit and to be substantiated by their individual rights and claims.

Matter stands disposed off. File be consigned to registry.

V.I. 3
Vijay Kumar Goyal
Member
08.05.2025