



## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: [www.haryanarera.gov.in](http://www.haryanarera.gov.in)

### BEFORE THE ADJUDICATING OFFICER COMPLAINT NO. 265 OF 2023

Naresh Kumar

.... COMPLAINANT

VERSUS

Vatika Ltd

....RESPONDENT

**Date of Hearing:** 04.09.2025

**Hearing:** 17<sup>th</sup>

**Present: -**


Mr. Sagar Ratusaria, Advocate, proxy for Ms. Sidhi Bansal, Advocate, for complainant through VC.

Mr. Abhishek Kathuria, Advocate, for the respondent through VC.

### ORDER

Today, case is fixed for argument on the ground of maintainability of present complaint from complainant side to justify as to how to present complaint is maintainable despite there being non-compliance of provisions of Sections 71 & 72 of the RE(RD) Act, 2016 and Rules 28(2)(m) and 29(1) of HRERA Rules, 2017 and also because the complainant was not an allottee as had sold the property at the time of seeking relief of compensation.

2. Learned counsel for the complainant has stated at bar that he accepts the observations made by this Forum in its order dated 20.03.2025 on the point of non-maintainability of present complaint but further sought

  
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liberty to avail appropriate legal remedies available under RE(RD) Act, 2016 & HRERA Rules, 2017, afresh, if legally permissible.


3. Learned counsel for the respondent has prayed to dismiss the present complaint being not maintainable.

Heard.

4. Since, there is non-compliance of mandatory provisions Section 71 & 72 of the RERD Act, 2016 read with Rules 28(2)(m) and 29(1) of HRERA Rules, 2017 and also the complainant had sold the unit prior to filing of the complaint for compensation, thus not an allottee within the meaning of Section 2(d) of the Act, 2016, the present complaint for compensation is not maintainable.

However, such dismissal of the complaint would not debar the complainant to resort to any other legal remedy available under Act, 2016 & HRERA Rules, 2017, if so permissible in accordance of law.

With above observations, the present complaint is **dismissed**.  
File be consigned to record room after uploading the order on the website of the Authority.

  
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**MAJOR PHALIT SHARMA**  
**ADSJ(Retd.)**  
**ADJUDICATING OFFICER**  
**04.09.2025**

Sourabh  
Law Associate