



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 607 OF 2024

Mrs. Geeta Rani

....COMPLAINANT

VERSUS

1. Aegis Value Homes Ltd
2. Divey Dhamija
3. Executive Officer
4. Director, Town & Country Planning , Haryana

....RESPONDENTS

CORAM:

Parneet S Sachdev

NadimAkhtar

Dr. Geeta Rathee Singh

Chander Shekhar

Chairman

Member

Member

Member

Date of Hearing: 30.10.2025

Hearing: 5th

Present: - Adv. Ashwarya Bajaj, Counsel for complainant.
Adv. Neeraj Goel, Counsel for the respondents through VC

ORDER (PARNEET SINGH SACHDEV - CHAIRMAN)

1. As per last order dated 18.08.2025, respondent was directed to file reply along with earlier imposed cost of 5000/- payable to Authority and ₹ 2000/- payable to complainant. Complainant was also directed to file receipts or an affidavit of paid amount along with bank statement.
2. Mr. Neeraj Goel appeared for respondent and stated that reply was filed on 12.09.2025 in registry along with payment proof of imposed cost. He argued that present case is not maintainable for two fold reasons. Firstly, complaint suffers from legal defect for non-impleading joint allottee Mr. Sanjeev Kumar. Secondly, complainant had filed complaint stating wrong facts in the pleadings. As per respondent record, complainant Mrs. Geeta Rani along with second applicant **Mr. Sanjeev Kumar** were allotted flat no. A2-504 on 5th floor, in Tower-A2 vide application dated 01.09.2017. Builder buyer agreement dated 10.01.2018 annexed at (Annexure R-1/5) was also executed between Mrs. Geeta Rani, Mr. Sanjeev Kumar and respondent for total consideration of ₹ 19,04,540/- out of which an amount of **17,57,768/-** to respondent. However, complainant in her pleadings neither mentioned about



the co-allottee Mr. Sanjeev Kumar nor made him party to the present complaint. Further, as per complainant amount of ₹ 10,47,499/- was paid to respondent whereas actually complainants have paid more i.e. amount of ₹ 17,57,768/-. Counsel for respondents while concluding his arguments stated that bare perusal of above stated relevant documents clearly shows that complainant had not come to Authority with clean hands or correct facts. Hence, present complaint is not maintainable and is liable to be dismissed at the outset.

3. On the other hand, Mr. Ashwarya Bajaj appeared for the complainant and stated that he had already filed an application on 13.08.2025 in registry under Order 1 Rule 10 r/w Section 151 CPC for placing on record the Account ledger pertaining to the payments made by complainant to respondent.
4. During hearing, Authority asked the complainant to clarify his stand as to how can a complaint be entertained when co-allottee is not made party to the same. Further, is it possible to grant relief to one allottee in absence of the other co-joint allottee visa- vi- one unit as per provisions of RERA Act, 2016. To this, counsel for complainant has failed to give satisfactory reply to the query put forth by the Authority.
5. After hearing both the parties and perusing the records, the Authority observes that the present complaint was filed before the Authority on

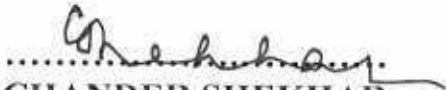


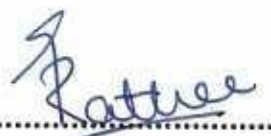
09.05.2024 by Mrs. Geeta Rani through her counsel, Sh. Ashwarya Bajaj, seeking refund of the amount paid in respect of Unit No. A2-504 allotted by the respondent in the joint names of Mrs. Geeta Rani and Mr. Sanjeev Kumar in the project titled "Smart Homes, Karnal." It is pertinent to mention that there is no provision under the Real Estate (Regulation and Development) Act, 2016 to entertain a complaint where one of the co-allottees seeks relief in respect of a jointly allotted unit without impleading the other co-allottee as a necessary party. Accordingly, on this technical ground, the Authority holds that the present complaint is not maintainable, as the unit in question was jointly purchased by two allottees—Mrs. Geeta Rani (the present complainant) and Mr. Sanjeev Kumar, yet the complainant has failed to implead the co-allottee as a party to the proceedings. Hence, the Authority **disposes of** the captioned complaint on account of misjoinder and non-impleadment of a necessary party.

6. However, since complaint is not heard on merits and taking into consideration the object of RERA Act, 2016 in letter and spirit. Authority decides to **dispose of** with a liberty to file a fresh complaint with better particulars.



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]