



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 04 OF 2023

Anju Garg

....COMPLAINANT

VERSUS

Vatika Limited

....RESPONDENT

CORAM:

Parneet S Sachdev

Chairman

Nadim Akhtar

Member

Dr. Geeta Rathee Singh

Member

Chander Shekhar

Member

Date of Hearing: 16.10.2025

Hearing: 9th

Present: - Adv. Sagar Ratusaria, Counsel for complainant through VC.
None for the respondent.

ORDER (PARNEET S SACHDEV- CHAIRMAN)

1. This case was listed for hearing on 12.08.2025. However, due to reconstitution of benches, it is taken up today.
2. Today, ld. counsel for the complainant appeared and sought time to comply with the last order.
3. In view of above, details of previous hearings held in present complaint in brief are mentioned below :-

Fifth hearing dated 12.03.2024- It was recorded "*Ld. Counsel for the complainant sought some time to comply with last order of the Authority. Ld. Counsel is directed to comply with the last order of Authority dated 06.12.2023 and submit requisite documents in the registry within two weeks with an advance copy to opposite party.*"

Sixth hearing dated 09.07.2024 – "*Ld. Counsel for the complainant again sought some time to comply with order dated 06.12.2023. His request has been accepted.*"

Seventh hearing dated 05.11.2024 – "*Proxy counsel for the complainant once again sought some time to comply with earlier order dated 06.12.2023 for the reason that the arguing counsel is suffering from dengue...3. Request of proxy counsel for complainant is accepted with a direction comply with order dated 06.12.2023.*"



Eighth hearing dated 25.03.2025 – “None present for the Complainant. Therefore, Case is adjourned to 12.08.2025.”

4. The Authority observes that today marks the 9th hearing in the present matter. Perusal of the case file reveals that the Authority, vide order dated **06.12.2023** had specifically directed the complainant to clarify the relief as to whether complainant wants possession or refund and he was also directed to place on record receipts 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.
5. This conduct has contributed to an inordinate delay of 680 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.
6. 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.

7. Hence, the complaint is accordingly **dismissed for non-prosecution** in view of above terms. File be consigned to the record room after uploading of the order on the website of the Authority.

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CHANDER SHEKHAR
[MEMBER]

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DR. GEETA RATHEE SINGH
[MEMBER]

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NADIM AKHTAR
[MEMBER]

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PARNEET S SACHDEV
[CHAIRMAN]