



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1316 OF 2023

Sanwarjeet Dasoundi and Anshika Dasoundi

....Complainants

VERSUS

Dhingra Jardine Infrastructure Pvt. Ltd.

....Respondents

CORAM:

Parneet S Sachdev

Chairman

Nadim Akhtar

Member

Dr. Geeta Rathee Singh

Member

Chander Shekhar

Member

Date of hearing: 09.10.2025

Hearing : 6th

Present: Adv. Harpreet Singh Arora, Counsel for complainants through Video call

None for respondent

ORDER (PARNEET S SACHDEV-CHAIRMAN)

1. Relevant part of last order dated 17.07.2025 passed by the Authority is reproduced below:-
 2. *"As per office record, respondent has been served through publication on 03.07.2025. However, reply has not been filed by the respondent till date.*
 3. *Perusal of file reveals that, several matters with lead case no. 2617/2019 pertaining to the same project, wherein different associations have come forward to complete the construction and development of the project. In those cases, project has already been handed over to association of allottees for its completion. Authority vide previous order dated 06.03.2025 had enquired from the learned counsel for complainants whether complainants are also a part/member of these associations. To which, ld. counsel for complainants sought time to seek instructions.*
 4. *Today, no one has put in appearance on behalf of complainant to apprise about the query raised vide previous order.*
 5. *In these circumstances, last opportunity is granted to the parties to file requisite documents/status. Respondent is directed to file reply by 16.09.2025 with advance copy supplied to complainant. Failing which case.. will be proceeded ex-parte on next date of hearing. Reply filed beyond the above date will not be considered.*
 6. *Complainants are directed to confirm whether they are member/part of the association or not before the next date of hearing. No further opportunity will be granted to any of the parties."*
2. The Authority observes that the Complainants have failed to file any documents clarifying whether they are part/members of the association, despite taking 442 days for compliance.



3. Upon enquiry by the Authority regarding compliance with the last order, the learned counsel for the complainants requested additional time to provide clarification on the status of the Complainants.
4. On perusal of file, it has come to the notice of Authority that complainants have been given opportunities since 2nd hearing dated 01.08.2024 in the present case to specify the query stated above in para 1 of this order. However, even after availing more than 4 opportunities dated 01.08.2024, 21.11.2024, 06.03.2025 and 17.07.2025 and taking more than one year complainants have miserably failed to comply with repeated directions issued by the Authority.
5. **At this stage, the Authority deems it fit to elucidate the law on opportunities,** especially where the only purpose is to somehow delay the proceedings. Such delays adversely affect the dispensation of justice. Order VIII, Rule 1 of the CPC, specifically governs filing of documents which in no exceptional case can go beyond 120 days. In Summary proceedings as under RERD ACT, the opportunities are even more stringent. The court may dismiss a case, strike out pleadings or not consider the submissions of a party who is repeatedly and deliberately misusing adjournments and fails to proceed with the case. The Court may also dismiss the suit for non-

prosecution. Defence may also be struck off in case of repeated/ frivolous delays by the respondent.

6. The Supreme Court has set precedents that place an emphasis on the timely filing of documents to ensure the timely disposal of cases and to prevent undue delays. In the case of *M/s SCG Contracts India Pvt. Ltd. v/s KS Chamankar Infrastructure Pvt. Ltd. (2019)*, Hon'ble Apex Court has stated as below:-

"The court unequivocally held that the 120-day time limit for filing a written statement under Order VIII, Rule 1 of the CPC (as amended by the Commercial Courts Act) is mandatory and cannot be extended. Even the court's inherent power under Section 151 of the CPC cannot be used to extend this period. If a defendant fails to file within 120 days of the summons being served, their right to do so is forfeited".

In the present case, the Authority since its 2nd hearing dated 01.08.2024 has directed complainants to comply with directions. However, even after availing more than 4 opportunities dated 01.08.2024, 21.11.2024, 06.03.2025 and 17.07.2025 complainants have failed to do so. Furthermore, even after availing more than one year complainants decided to pay no heed to these opportunities.

This conduct of willful disobedience on part of complainant shows the intent and the attitude, which is well noted by this Authority.



7. On merits, Authority observes that the documents filed by the complainants such as Allotment Letter dated 24.05.2010, shows that Flat No. A-4 in the project titled "*Gemini Grove, California Country, Sector-80, Faridabad*" was allotted by the Respondent, Dhingra Jardine Infrastructure Pvt. Ltd. However, from the records available with the Authority, it is evident that the said project has already been handed over by the Respondent company to the registered association of allottees, namely, "*Flat Buyers Welfare Association, Gemini Grove Duplex (Regd.), Sector-80, Faridabad.*"
8. The said fact stands duly recorded in the Authority's order dated 15.05.2025, passed in Complaint No. 2617 of 2019 (Lead Case), wherein the Authority had observed that several towers of the same project had reached a stage of completion enabling handover to the respective associations of allottees. The relevant portion of the order dated 15.05.2025 is reproduced below for ready reference:
- "Authority is of the considered view that the Association of Tower Gemini Grove Duplex project have reached the stage whereby the project can be handed over to them for completion at their own level. Authority accordingly hereby hands over the Tower to the Association in pursuance to the provisions of Section 8 of the RERA Act, 2016."*
9. From a careful reading of the above observations, it is evident that the Authority, in exercise of powers conferred under Section 8 of the Real Estate (Regulation and Development) Act, 2016, has already handed over the



responsibility for completion and management of the project "*Gemini Grove, California Country*" to the concerned association of allottees. Consequently, the project no longer remains under the control of Respondent Dhingra Jardine Infrastructure Pvt. Ltd.

10. It is a settled legal position that once a project is taken over by an association of allottees under Section 8 of the Act, the obligations relating to development, possession, maintenance, and delivery of units stand transferred to the said association, and the original promoter ceases to exercise control or bear responsibility for such functions. Therefore, any relief pertaining to possession, completion, or related issues cannot be effectively granted against the original promoter who no longer retains control over the project.
11. In the present case, the Complainants continue to seek relief against Dhingra Jardine Infrastructure Pvt. Ltd., despite the fact that the said entity is no longer in charge of the project. The cause of action, as presently framed, does not survive against the Respondent. Furthermore, the Complainants have also failed to demonstrate whether they are members of the *Flat Buyers Welfare Association, Gemini Grove Duplex*, or have availed any remedy through the said association.
12. Accordingly, taking into consideration (i) the Complainants' non-compliance with the previous directions of the Authority, (ii) the factual position that the



project in question has already been handed over to the association of allottees under Section 8 of the Act, and (iii) the absence of any continuing liability of the Respondent in respect of the said project, the Authority is of the considered view that the present complaint is not maintainable against Respondent Dhingra Jardine Infrastructure Pvt. Ltd.

13. In light of the foregoing reasons, the complaint is hereby **disposed of** as not maintainable against the said Respondent. However, liberty is granted to the Complainants to file a fresh complaint, with better particulars.
14. File be consigned to record room after uploading of this order on website of the Authority.


CHANDER SHEKHAR
[MEMBER]


DR. GEETA RATHEE SINGH
[MEMBER]


NADIM AKHTAR
[MEMBER]


PARNEET S SACHDEV
[CHAIRMAN]