

BEFORE THE HARYANA REAL ESTATE REGULATORY AUTHORITY,
 GURUGRAM

S.No.	MA no. and Complaint no.	Complaint Title	Appearance
1.	M.A NO. 261/2025 in CR/633/2022	Neeta Chopra Vs. Vatika Limited	Shri Shubham Grover, Proxy Ms. Ankur Berry, Adv.
2.	MA NO. 262/2025 in CR/634/2022	Usha Sakhija Vs. Vatika Limited	Shri Shubham Grover, Proxy Ms. Ankur Berry, Adv.
3.	MA NO. 263/2025 in CR/636/2022	Rohini Choudhry Vs. Vatika Limited	Shri Shubham Grover, Proxy Ms. Ankur Berry, Adv.
4.	MA NO. 264/2025 in CR/637/2022	Rohini Chaudhry Vs. Vatika Limited	Shri Shubham Grover, Proxy Ms. Ankur Berry, Adv.
5.	MA NO. 265/2025 in CR/638/2022	Rohini Choudhry Vs. Vatika Limited	Shri Shubham Grover, Proxy Ms. Ankur Berry, Adv.
6.	MA NO. 277/2025 in CR/639/2022	Rohini Choudhry Vs. Vatika Limited	Shri Shubham Grover, Proxy Ms. Ankur Berry, Adv.

CORAM:

Sh. Ashok Sangwan

Member

 HAREERA
 ORDER

1. This order shall dispose of all the application filed in the corresponding complaints titled above filed before this Authority in Form CRA under section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred as "the Act") read with rule 28 of the Haryana Real Estate (Regulation and Development) Rules, 2017 (hereinafter referred as "the rules") for violation of section 11(4)(a) of the Act wherein it is inter alia prescribed that the promoter shall be responsible for all its

obligations, responsibilities and functions to the allottees as per the agreement for sale executed inter se between parties.

2. The core issues emanating from them are similar in nature and the complainant(s) in the above referred matters have filed complaint against the same respondent promoters i.e., M/s Vatika Limited. Out of the above-mentioned cases, the particulars of lead case **CR/633/2022 titled as Neeta Chopra Vs. M/s Vatika Ltd.** are being taken into consideration for determining the application for restoration filed on behalf of the complainant allottee.
3. It is pertinent to mention here that the abovementioned complaints were listed for hearing on 21.03.2025 and were dismissed in default due to consecutive non-appearance of the counsel for the complainant. The relevant para of order dated 21.03.2025 passed in lead case bearing no. CR/633/2022 is reproduced hereinbelow for ready reference:

"Case has been called out but no one appeared on behalf of the complainant today. This is the 13th hearing and the complaint was filed 3 years ago. The counsel for the complainant has appeared only once during the course of hearings. It is apparent that the complainant is not interested in pursuing the matter. In view of the above, the complaint is dismissed in default for non-appearance of the complainant. File be consigned to the registry."

4. Thereafter, the complainant has filed an application on 01.04.2025 stating that Mr. Anjaneya Mishra, Adv. while on his way to the Hon'ble Authority experienced a punctured tire in his car and due to this unforeseen circumstance, he was unable to appear when the matter was called. Upon reaching the Authority, he was shocked to learn that the complaint has been dismissed for non-prosecution. Although the counsel for the complainant had requested for his presence to be noted, he was informed that the order had already been passed and that an application would now need to be filed to address the matter. The non-

presence of the counsel was neither deliberate nor intentional. Thus, the present application for restoration of the complaint has been filed by the complainant praying that the present application may be allowed and the captioned complaint may be restored to its original position.

5. Upon receipt of the aforesaid application with the Authority, the notice of hearing was sent to the parties vide email dated 07.04.2025 to appear before the Authority on 16.05.2025 at 11:00 am.
6. On 16.05.2025, Sh. Shubham Grover, Proxy counsel for Mr. Anjaneya Mishra, Adv appeared on behalf of the complainant and prays for allowing the aforesaid application.
7. Ms. Ankur berry, Adv. appeared on behalf of the respondent and strongly opposed the application being filed by the complainant stating that even today the counsel for the complainant is not present. She relied upon the case titled as Sanjay Kumar vs State of Bihar (2014) 9 SCC 230 passed by Hon'ble Supreme Court of India wherein it is observed as under:

"8. In such a chaotic situation, any "arzi", "farzi", half-baked lawyer under the label of "proxy counsel" a phrase not traceable under the Advocates Act, 1961 or under the Supreme Court Rules, 1966, etc., cannot be allowed to abuse and misuse the process of the court under a false impression that he has a right to waste public time without any authority to appear in the court, either from the litigant or from the AoR, as in the instant case. The AoR, with impunity was disdainful towards the order of this Court directing him to appear in the Court. He had also not filed any appearance for the counsel who had ap-peared, nor the said counsel disclosed his name. The Court takes serious note of the conduct of the AoR, Shri Manu Shanker Mishra and warns him to behave in an ap- propriate manner befitting the conduct of an advocate and an AoR otherwise this Court will not hesitate to take action against him. His conduct will be under close watch of this Court."

A. Findings of the Authority

8. At the outset, the Authority has carefully considered the application for restoration, the submissions made by the proxy counsel for the complainant, and the strong opposition raised by the learned counsel for the respondent. The Authority notes that the explanation tendered for the non-appearance on 21.03.2025 that the counsel for the complainant suffered a punctured tire remains wholly unsubstantiated and unsupported by any material. No document, affidavit, or credible proof has been furnished to suggest that such an event actually occurred or that any reasonable attempt was made by the concerned counsel to either inform the registry or seek accommodation at the earliest possible time.

9. Furthermore, it is not in dispute that the present matter had already been listed thirteen times prior to the present date and that the complainant's counsel had appeared only once throughout the pendency of the proceedings spanning over three years. This persistent absence reflects a consistent pattern of non-prosecution, apathy, and lack of seriousness on the part of the complainant. The repeated conduct of non-appearance cannot be brushed aside as a mere lapse or an isolated incident. The plea that the absence on 21.03.2025 was neither intentional nor deliberate is therefore not convincing in light of the prolonged conduct of the complainant and his counsel.

10. Significantly, even on 16.05.2025, when the restoration application itself was listed for consideration, the main counsel for the complainant again failed to appear, and only a proxy counsel without proper authorisation was present. When specifically queried as to why the main counsel could not appear, the proxy counsel did not furnish any

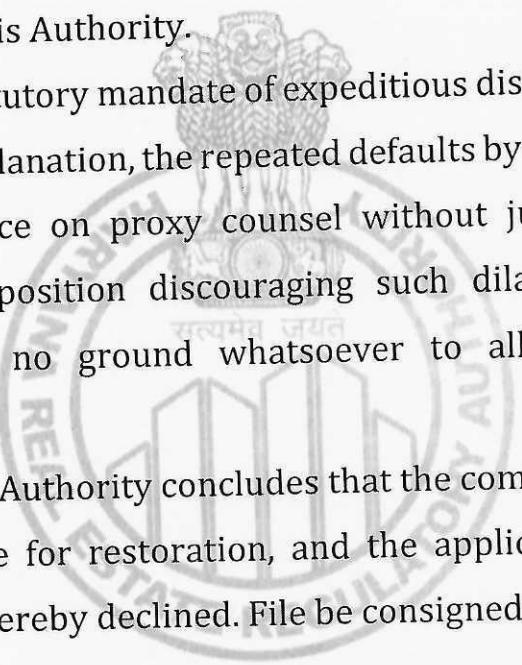
explanation. This continued pattern of casualness reinforces the Authority's conclusion that the complainant is unwilling to pursue the matter diligently.

11. The Authority also notes the mandatory statutory requirement under the Act that complaints shall be disposed of as expeditiously as possible, preferably within sixty days. The legislative intent behind this provision is clear to ensure swift and efficient adjudication and to protect allottees through timely redressal. Any leniency that encourages litigants to prolong litigation by repeated non-appearances would defeat the purpose of the Act and undermine the integrity of the regulatory mechanism. Allowing restoration in the present case, despite the complainant's habitual default, would be contrary to both the statutory scheme and the larger public interest in ensuring expeditious resolution.
12. The Authority finds considerable merit in the respondent's reliance on **Sanjay Kumar v. State of Bihar, (2014) 9 SCC 230**, wherein the Hon'ble Supreme Court deprecated the practice of unregulated proxy appearances and emphasized that persons without authority cannot be permitted to waste judicial time or obstruct proceedings. Further, in **Sanjay Kumar v. State (NCT of Delhi)**, the Delhi High Court has criticized repeated proxy appearances as dilatory tactics obstructing trial. Similarly, in **Arvind Kumar v. State of U.P.**, the Allahabad High Court has held that proxy counsel cannot be permitted to advance submissions at critical stages without proper authorisation. These judgments underline that litigants have a duty to participate in proceedings responsibly, and repeated reliance on proxy counsel only contributes to delay and abuse of process.

13. The Authority is therefore of the view that the complainant cannot seek restoration as a matter of right after having displayed a continuous pattern of non-prosecution. Restoration is a discretionary relief, not an automatic entitlement. Such discretion can be exercised only where sufficient cause is shown. In the present case, not only has no sufficient cause been demonstrated, but the cumulative conduct of the complainant reveals neglect, indifference, and disregard for the proceedings of this Authority.

14. In view of the statutory mandate of expeditious disposal, the absence of any bona fide explanation, the repeated defaults by the complainant, the continued reliance on proxy counsel without justification, and the settled judicial position discouraging such dilatory practices, this Authority finds no ground whatsoever to allow the restoration application.

15. Accordingly, the Authority concludes that the complainant has failed to make out a case for restoration, and the application is liable to be rejected and is hereby declined. File be consigned to the registry.



HARERA
GURUGRAM

(Ashok Sangwan)
Member

Haryana Real Estate Regulatory Authority, Gurugram

Dated: 16.05.2025