

BEFORE RAJENDER KUMAR, ADJUDICATING OFFICER, HARYANA REAL ESTATE REGULATORY AUTHORITY, GURUGRAM

Complaint No.6202-2024

Date of Decision: 10.11.2025

Mahipal Singh son of Sh. Mohan Singh r/o Flat No. 503 T-4, Pyramid Urban Homes-II, Sector-86, Gurugram-122004.

.... Complainant

Versus

M/s. Pyramid Infratech Pvt Ltd, Unit 501-509, Unitech Trade Centre, Sector 43, Gurugram 122 002.

.... Respondent

APPEARANCE

**For Complainant:
For Respondent**

**Mr. Ashwani Kumar Singla, Advocate
Mr. Ravinder Singh Kinha, Advocate**

ORDER

1. This is a complaint, filed by Sh. Mahipal Singh, under section 31 of The Real Estate (Regulation and Development), Act 2016 (in brief Act of 2016) against M/s. Pyramid Infratech Pvt. Ltd. (promoter).
2. According to the complainant, the promoter-respondent altered the position of the main entry/exit gate for its own commercial benefit without seeking written consent of 2/3rd of the allottees as provided under section 14 (2) of the Act 2016. The promoter-respondent

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had originally shown the position of the gate at the main road. The commercial area as such was within the gated premises.

3. That the promoter-respondent had malafide intention to get more value for its commercial project, in shifting the position of the gate in such a way that the commercial area is now outside the gated premises and this fact is duly certified by the report of Mr. Manoj Gupta, Architect, which is attached with the complaint.

4. That the shifting of the gate from the proposed plan to any other place and that too, with malafide intention is a material change in the plan and requires approval of not less than 2/3rd of the allottees as contemplated u/s 14 (2) of the Act of 2016. By this action of the respondent/promoter the latter has earned higher amount by sale of its commercial units by keeping the access open to the general public vis-à-vis only the gated society.

5. That said action of the promoter-respondent has put the residents-allottees to risk as they have to go outside the gated society to make purchases in general and women & children, in particular. Shifting of the gate has allowed other residents in the nearby area to park their vehicles in front of the present gate and creating avoidable inconvenience.


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Further, this action of the promoter is illegal and is creating nuisance, inconvenience and is a security challenge for the allottees-residents.

6. It is prayed by the complainant that the respondent be ordered to re-align/shift the gate to its position as per original layout plan and a compensation of Rs.1.00 lac be given to him (complainant) and all other allottees for illegal activity apart from Rs.5000/- as fee paid to Architect and Rs.40,000/- as legal expenses.

7. The respondent contested claim by filing written reply, through Mr. Vikas Sharma, stated to be Authorized representative of it, vide Board resolution of the respondent company. The respondent challenged even maintainability of present and cause of action in favour of present complainant in filing this complaint. Moreover, all the averments and contents stated in the complaint under reply are denied in toto.

8. It is further averred that the present complaint is gross misuse of the process of law and the complainant is guilty of "suppression veri & suggestion falsi". The complainant has not intentionally provided factual background of the case and has not produced all the documents pertaining to the case, which were in his knowledge and possession.


9. That present complaint is time barred as the project in question was completed and handed over to allottees in the year 2020,

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whereas this complaint was filed in the year 2024 i.e. much after the receipt of occupation certificate and handing over of the Apartments, in the year 2020.

10. That in terms of the License No. 154 of 2014 dated 09.09.2014 issued by the Department of Town & Country Planning, Haryana for development of Affordable Group Housing over Land admeasuring 5.2875 acres at village Badha, Sector-86, Gurugram, it (respondent) got Building Plan sanctioned vide Memo No. ZP-1068/AD(RA)/2015/8502 dated 25.05.2015. Thereafter, on addition of land admeasuring 1.5 acres, an additional license was granted vide License No. 78 of 2018 dated 17.11.2018.

11. That it (respondent) gave public notice in three leading newspapers i.e. The Tribune (English), The Pioneer (English) & Dainik Tribune (Hindi) dated 02.03.2020. In terms of the letter issued by it (respondent) inviting objections against the proposed revised plan, 07 allottees filed objections with the office of the respondent, which were considered by the office of STP, Gurugram. Same were also forwarded to the Office of Director, Town & Country Planning, Haryana. The Building Plan/Layout Plan of the Project has been properly revised after considering the objections, submitted by the allottees.


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12. Contending all this, the respondent prayed for dismissal of complaint.

13. Learned counsel for complainant submitted that his client (complainant) does not want to adduce any evidence except as already annexed/produced with the complaint. Respondent filed affidavit in evidence in support of its claim.

14. I have heard learned counsels appearing for both of parties and perused the record.

15. As reproduced above, according to respondent, present complaint is not maintainable, complainant having no cause of action in filing present complaint. Same i.e. complaint is gross misuse of process of law.

16. Section 31 (1) of Act of 2016 prescribes as who can file complaint with the Authority or the Adjudicating Officer. According to it, 'any aggrieved person' may file a complaint with the Authority or the Adjudicating Officer, as the case may be----- . Although the complainant claims himself to be an aggrieved person, but it is not clarified as how same is aggrieved. Although, complainant has shown his address of project developed by present respondent i.e. Pyramid Infratech Pvt. Ltd., Flat No. 503 T-4 Pyramid Urban Homes-II, Sector 86, Guguram. It is not clarified


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that in which capacity he is residing there i.e. whether he is an allottee, tenant or licensee. The complainant claims that action of respondent in shifting the gate has put the residents to risk. Even if the complainant is a resident of the project, it is not explained as how shifting of the gate (even if, it is shifted) has put him to any risk.

17. In this way, complainant failed to prove that same is 'aggrieved' from the act of respondent. On the basis of all this, the complainant has failed to establish that he has any locus standi to file present complaint. Same is thus, dismissed.

18. File be consigned to record room.


Announced in open court today i.e. on 10.11.2025


(Rajender Kumar)
Adjudicating Officer,
Haryana Real Estate Regulatory
Authority, Gurugram.

Mahipal Singh vs Pyramid Infratech Pvt Ltd

Present: Mr. Ashwani Kumar Singla, Advocate for complainant.
Mr. Ravinder Singh Kinha, Advocate for respondent.

Complaint is dismissed, vide separate order today. File be
consigned to record room.



(Rajender Kumar)
Adjudicating Officer,
10.11.2025