



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1525 OF 2025

Fight against Injustice Forum

....COMPLAINANT

VERSUS

1.BPTP Ltd

2. Countrywide Promoters Pvt Ltd

3. Business Park Maintenance Services Pvt Ltd

4.Department of Town& Country Planning HaryanaRESPONDENTS

CORAM:

Parneet Singh Sachdev

Dr. Geeta Rathee Singh

Nadim Akhtar

Chander Shekhar

Chairman

Member

Member

Member

Date of Hearing: 11.12.2025

Hearing: 1st

Present: - Mr. Rajan K. Hans, Counsel for the complainant through VC.

Mr. Tejeshwar Singh, Counsel for the respondent through VC.

ORDER (PARNEET S. SACHDEV – CHAIRMAN)

1. As reflected from the office record, an application challenging the maintainability of the present complaint was filed by Respondent Nos. 1, 2 and 3 before the Registry on 10.12.2025, with advance copy duly supplied to the complainant. The objection raised goes to the very root of the proceedings and concerns the jurisdiction of this Authority under

Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter, "the Act").

2. The present complaint has been filed by the complainant seeking various reliefs against the respondents. The reliefs sought by the complainant, as stated in the complaint, are as follows:-

- 1) *Pass an appropriate award directing the respondents to register the plotted colonies in question as ongoing project with the honourable RERA Authority.*
- 2) *Pass an appropriate award directing the respondents to complete pending infrastructure within a definite time period.*
- 3) *Pass an appropriate award directing the respondents to handover the project infrastructure to the association of allottees/competent authorities within a definite time period.*
- 4) *Pass an appropriate award directing the respondents to immediately cease and desist from collecting any additional demand for the road repair or maintenance charges from the aggrieved parties until issuance of Final Completion Certificate and completion of the 5 year defect liability period thereafter.*
- 5) *Pass an appropriate order imposing maximum penalty on the respondents under Section 61 of the RERA Act for contravention.*
- 6) *Any other relief/direction which the Hon'ble Authority deems fit and proper in the facts and circumstances of the present complaint.*

3. The complainant has instituted the present complaint seeking, inter alia, directions for compulsory registration of certain plotted colonies as ongoing projects, completion and handover of infrastructure, restraint on recovery of maintenance and road repair charges, imposition of maximum penalty under Section 61 of the Act, and other ancillary reliefs.

4. Upon a preliminary scrutiny of the complaint and the nature of reliefs claimed, this Authority perused prima facie and the prayers did not seem to fall within the adjudicatory domain contemplated under Section 31 of the Act. Learned counsel for the complainant was accordingly called upon to address the issue of maintainability, the statutory source of the reliefs sought, and the locus standi of the complainant.
5. Upon perusal of the complaint and the reliefs sought, it was observed that none of the reliefs claimed by the complainant fell within the ambit of Section 31 the RE (R&D) Act, 2016.
6. During hearing, the counsel for the complainant was made aware of this fact and was asked specifically, the sections of the RE (R&D) Act, 2016 under which the reliefs claimed lie. Also, whether any relief can be granted to the complainant, who is not in a relationship of allottee and promoter with respondents, under the RE (R&D) Act, 2016.

SUBMISSIONS OF THE PARTIES

7. In reply, Id. Counsel for complainant referred to Section 2 (zg) (vi) of RE (R&D) Act, 2016 which provides the definition of person-‘an association of persons or a body of individuals whether incorporated or not’ and explanation to Section 31 of RE (R&D) Act, 2016 which includes person/association of allottees/voluntary consumer association for filing of complaint. Further, he stated that respondent no. 1 has not got its plotted

colonies (being 'on-going project') registered till date. Details of licenses and projects are mentioned at para 11 and 12 of complaint. He has raised issue of development works and basic amenities stating that allottees had duly paid the total cost of plot inclusive of EDC & IDC charges. However, no development works have been carried out at site by the respondent. He pressed upon to proceed with the captioned complaint in order to grant relief to the aggrieved allottees which are 96 in number, details are annexed as Annexure P-2 running from page 251-254 of complaint.

8. Learned counsel for the respondents controverted the submissions and contended that the complainant has no contractual or statutory relationship with the respondents, is neither an allottee nor an association of allottees of the project, and that the complaint is an impermissible attempt to invoke RERA as a general regulatory forum.

STATUTORY SCHEME AND JURISDICTIONAL CONFINES

9. In order to understand the issue of maintainability. It is important to examine the statute and its structure and purpose.
 - **Section 31 of RERA** allows "any aggrieved person" to file a complaint with the Authority or the Adjudicating Officer.

- **Section 2(d)** defines “*allottee*” as “a person to whom a plot, apartment or building has been allotted, sold or otherwise transferred by the promoter...”
- **Section 2(zg)** defines “*person*” to include:
an individual, HUF, company, firm, cooperative society, association of persons, or any artificial juridical person.

A **Section 8 company** is a *company incorporated under the Companies Act* and is unquestionably a “**person**” under Section 2(zg).

There is **no exclusion** in RERA for:

- non-profit entities,
 - charitable organisations,
 - Section 8 companies, or
 - entities purchasing property for institutional or welfare purposes.
10. The jurisprudence is clear and settled on two points i.e RERA is a beneficial legislation and must be interpreted broadly. Artificial juridical persons have standing if they satisfy the definition of allottee. Hon’ble Courts and RERA Appellate Tribunals have repeatedly held that the character of the complainant is irrelevant once the statutory definition is satisfied. The Act is undoubtedly a beneficial legislation intended to protect the interests of homebuyers and ensure transparency and accountability in real estate development. However, the benevolent object of the statute does not dilute the settled principle that **jurisdiction under**

a special statute must be exercised strictly within the four corners of the legislation.

11. Consistent jurisprudence under RERA, both at the level of Authorities and Appellate Tribunals, has evolved a functional test to determine locus standi under Section 31. The determinative considerations are:

- 1. Was the Section 8 company allotted a unit / plot / apartment by the promoter?*
- 2. Is there a BBA between the complainant company and the Promoter?*
- 3. Was consideration paid (even if sourced from donations or grants)?*
- 4. Does the grievance arise from obligations under RERA – delay, non-delivery, defects, misrepresentation, or refund?*

If the answer to these is yes, the Section 8 company steps into the shoes of an allottee. In the present case, the complainant admittedly satisfies none of the above. There is no allotment in its favour, no agreement, no consideration paid, and no statutory obligation owed to it by the respondents. Accordingly, this Authority holds that the complainant cannot be regarded as an “allottee” so as to invoke Section 31 of the Act. *In this case, the answer to all questions is a resounding NO. Hence the Authority is of the view that it cannot claim any relief u/s 31 of the RE(R&D) Act, 2016 as it is not an allottee.*

12. *The second question is whether the complainant company can be termed as an association of allottees and hence claim redressal of*

common grievances? Does it have the locus standi to file the present complaint on behalf of 96 allottees as claimed by it?

The complainant “Fight Against Injustice Forum” claims itself to be Voluntary consumer Association incorporated and registered under section 8 of the Companies Act, 2013. The CIN of the complainant is U85300CH2021NPL043793.

REERA itself does **not define** the expression “association of allottees” in a standalone definition. However, the concept appears repeatedly most importantly in:

- **Section 11(4)(e)** – obligation of promoter to enable formation of an association of allottees
 - **Section 2(zf)** – “promoter” obligations linked to handover to association
- Across jurisdictions, REERA authorities have consistently understood an “association of allottees” to mean:

A collective body representing multiple allottees of the same real estate project formed for management, representation, or collective enforcement of rights.

13. In DLF Homes Panchkula (P) Ltd. v. Haryana Real Estate Regulatory Authority & Ors. Appeal No. 61 of 2019, decided on 13.11.2019 (HREAT), the Hon’ble Tribunal noted that *complaints under Section 31 are project-centric and that an association claiming representative capacity must demonstrate that*

it represents allottees of the very same project, duly authorised to espouse their cause.

The Hon'ble Tribunal observed in substance that:

an entity cannot claim standing merely by describing itself as an association unless it establishes that it is constituted by and for the allottees of the concerned project.

In the case of M/s Universal Infrastructure & Ors. v. Haryana Real Estate Regulatory Authority, Appeal No. 33 of 2020, decided on 05.02.2020 (HREAT), reiterated that

HREAT rejected the maintainability of a complaint filed by an entity claiming to act for multiple buyers, holding that statutory standing under RERA is not equivalent to standing under the Consumer Protection Act.

Then Hon'ble Tribunal held that:

RERA does not contemplate complaints by bodies having no direct allottee relationship or demonstrable representative authority from allottees.

14. The Tribunal has further clarified that representative standing under RERA is substantive, not cosmetic. Mere annexing of names, without proof of allotment, membership, consent, and project-specific formation, does not confer locus standi. HREAT has also consistently rejected attempts by consumer forums, welfare societies, or Section 8 companies to invoke RERA jurisdiction in the absence of a direct allottee relationship or valid representative

authorisation, holding that such complaints amount to an impermissible expansion of Section 31.

The Hon'ble Haryana Real Estate Appellate Tribunal, has consistently held that the expression 'association of allottees' under the Act refers to a project-specific collective body constituted by the allottees of the same real estate project and duly authorised to act on their behalf (DLF Homes Panchkula (P) Ltd. v. HRERA, Appeal No. 61 of 2019, decided on 13.11.2019)."

The Hon'ble HREAT has further clarified that the status of a voluntary consumer association under other enactments does not, by itself, confer locus standi under Section 31 of the Act (M/s Universal Infrastructure v. HRERA, Appeal No. 33 of 2020, decided on 05.02.2020).

15. In view of the above, it is clear that Section 8 company is a juristic person, yes. But an association of allottees is defined by who it represents, not how it is incorporated. If the Section 8 company is itself a **single allottee** (i.e., the flat or unit is allotted in the company's name), then it is only an allottee, *not* an association of allottees. One allottee association, regardless of whether the allottee is an individual, LLP, trust, or Section 8 company. RERA authorities have been very clear on this functional distinction. In this case, it is clear that the complainant company is not an allottee.

However, does it qualify as an association of allottees so as to represent common causes? Based on the above decisions of the Hon'ble Tribunal, it is clear that

A Section 8 company can qualify, but **only if all of the following are true:**

1. *Its members are allottees of the same project, and*
2. *It is formed specifically to represent those allottees, and*
3. *The complaint is filed in a representative capacity, not as a purchaser of a unit, and*
4. *The pleadings clearly disclose:*
 - names of member allottees,
 - their allotment details,
 - authorisation to act on their behalf.

In such a case only can, the Section 8 company enter into the shoes of an association of allottees, i.e the real complainants are the allottees it represents.

In the present case, the fundamental conditions are not met. The complainant is a Section 8 company is not incorporated for these specific allottees, but the "Fight Against Injustice Forum" claims itself to be Voluntary consumer Association. A general-purpose NGO, not for this Promoter's project. Some of the articles of association are quoted below:-

- I. *The name of the company is FIGHT AGAINST INJUSTICE FORUM.*
- II. *The registered office of the company will be situated in the National Capital territory of Chandigarh.*
- III. *The objects for which the company is established are:*
 - b) *The FORUM either itself or through other like minded societies, organization, NGOs, individuals shall work for protecting the rights of the consumers either voluntarily or at their request by filing complaints/legal cases/ writs/ suits/ applications etc. for redressal of*

- their grievances with the appropriate courts/ forums/ authorities/Tribunals/Departments or other platforms.*
- c) *The FORUM either itself or through other like minded societies, organization, NGOs, individuals shall work for the betterment of the life and to protect legal rights, social rights, educational rights, equality rights and above all constitutional rights mentioned under the Constitution of India for its citizens without any discrimination and prohibition by instituting and/or invoking al legal remedies including escalation of matters to the concerned higher authorities etc. It shall try to associate with groups/organizations engaged in Social work activities and also strive to promote Social cause/work for upliftment of the FORUM on local, regional and national level.*
 - e) *The FORUM shall survive to arrest the feticide, child killing and protecting the rights of the children in general and of girl child in particular.*
 - h) *The FORUM either itself or through other like minded societies, organization, NGOs, individuals shall establish a network of individuals, group and organization working on issues concerning child labour, child begging in the streets, school dropout children, old and physically challenged/cripple person, widow(s), democracy, sustainability, transpiration, migrant labourer, self employed artisans, global warming, world peace and communal harmony organize campaigns to secure their participation in governmental/non-governmental schemes for improvement of democratic life and environment. "*

A plain reading of the articles indicates that the Section 8 company is meant for many objectives. However, welfare of the allottees of this project is not one of them. In fact the latter needs to be the only purpose and the members need to be only the allottees of the project in question, for it to have any locus standi. This is not the case here. The allottees whom the complainant company seeks to represent are not even its members. They have only provided letters for it to represent them. This is by no means an association of allottees of this

project. This is further fortified by the judgment of the Hon'ble Apex court in *Vidhur Impex and Traders Pvt. Ltd. Vs Tosh Apartments Pvt. Ltd. & Ors.* (2012 (8) SCC 384).

Therefore, based on the above facts, discussions and decisions the Authority holds that the complainant company does not have any locus-standi vis-à-vis the present complaint.

16. Regarding the general allegations made in the complaint, i.e, registering certain colonies under RERA, imposing penalties etc these do not fall under the domain of any allottee or association, least of all under the domain of the complainant to ask for such reliefs. The Authority can send this general complaint the project cell. They will look into the veracity, the specificity of the allegations etc. and then recommend whether the Authority needs to start any suo-moto administrative proceedings. It may also be kept in mind that the erstwhile IPC Sections 182, 211, 499 and CRPC sections 340 read together, clearly guard against false complaints. In the present case, no specific evidence has been adduced by the Section 8 company. Nothing is substantiated with proof. Under such conditions the judgement in the case of *Priyanka Srivastava v. State of Uttar Pradesh*, (2015) 6 SCC 287 has to be considered. The Hon'ble Supreme Court held:

"A litigant at his own whim cannot invoke the authority of the Magistrate... false complaints create a serious impact on the administration of justice."
Similarly in the State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335,

the Hon'ble Court laid down clear principles for identifying malicious and vexatious complaints.

17. Finally, once again, the Hon'ble HREAT in Vatika Limited v. Haryana Real Estate Regulatory Authority, Appeal No. 46 of 2020, decided on 18.03.2021 cautioned that RERA forums cannot be converted into platforms for omnibus or speculative complaints by third parties having no statutory standing. The Tribunal emphasised discipline in admitting complaints to preserve the specialised nature of RERA.

18. Keeping in view the aforesaid observations, the complaint stands **dismissed as not maintainable**. Copy of this order be sent to project cell of this Authority. No suo moto complaint is to be raised unless the facts have been prima facie established.

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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]