



## **HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA**

Website: [www.haryanarera.gov.in](http://www.haryanarera.gov.in)

**COMPLAINT NO. 1335 OF 2024**

Mrs. Kusum

....COMPLAINANT

**VERSUS**

1. Aegis Value Homes Ltd
2. Divey Dhamija
3. Executive Officer
4. Director, Town & Country Planning , Haryana

....RESPONDENTS

**CORAM:**

**Parneet S Sachdev**

**Chairman**

**NadimAkhtar**

**Member**

**Dr. Geeta Rathee Singh**

**Member**

**Chander Shekhar**

**Member**

**Date of Hearing: 27.11.2025**

**Hearing: 3<sup>rd</sup>**

**Present: -** Adv. Ashwarya Bajaj, Counsel for complainant through VC  
Adv. Neeraj Goel, Counsel for the respondents through VC

**ORDER (PARNEET SINGH SACHDEV - CHAIRMAN)**

1. As per last order dated 08.05.2025, respondent was directed to file reply along with earlier imposed cost of 5000/- payable to Authority and ₹ 2000/- payable to complainant.
2. Mr. Neeraj Goel appeared for respondent and stated that reply was filed yesterday i.e., 26.11.2025 in registry along with payment proof of imposed cost. He stated that present case is not maintainable on the ground that present complaint suffers from legal defect i.e., non-impleading of co-allottees i.e., Mr. Sachin Kumar and Kiran. Further, complainant had filed present complaint stating wrong facts in the pleadings. As per respondent record, present complainant Mrs. Kusum jointly with Sh. Kartar Singh had applied for a unit in respondent project, pursuant to the same they were allotted Unit no. A5-906, 9<sup>th</sup> floor, Tower A5 having area 538.77 sq.ft. for basic sale consideration of ₹ 21,47,060/- (said area was later increased to 554.65 sq.ft.). Later, vide affidavit dated 06.04.2022, present complainant requested respondent to add additional co-allottee i.e. Kiran and Sachin Kumar, which was duly approved and accordingly, builder buyer agreement



was executed on 15.04.2022 with all the four allottees. Copy of Builder buyer agreement is annexed at (Annexure R-1/6). However, complainant in her pleadings neither mentioned about the co-allottee Kiran and Sachin Kumar nor made them party to the present complaint. Counsel for respondents while concluding his arguments stated that a perusal of above stated documents clearly shows that complainant had not come to Authority with clean hands or correct facts. Hence, present complaint is not maintainable and is liable to be dismissed at the outset.

3. On the other hand, Mr. Ashwarya Bajaj appeared for the complainant and stated that he may be permitted to file account ledger pertaining to the payments made by complainant to respondent.
4. During hearing, Authority asked the complainant to clarify his stand as to how can a complaint be entertained when co-allottee is not made party to the same. Further, is it possible to grant relief to one allottee in absence of the other co-joint allottees vis-à-vis the unit as per provisions of RERA Act, 2016. To this, counsel for complainant has failed to give satisfactory reply to the query put forth by the Authority.
5. After hearing both the parties and perusing the records, the Authority observes that the present complaint was filed before the Authority on 27.09.2024 by Mrs. Kusum through her counsel, Sh. Ashwarya Bajaj,



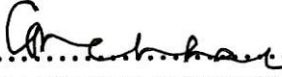
seeking refund of the amount paid in respect of Unit No. A5-906 allotted by the respondent in the joint names of Mrs. Kusum, Sh. Kartar Singh, Ms. Kiran and Sh. Sachin Kumar in the project titled "Smart Homes, Karnal." It is pertinent to mention that there is no provision under the Real Estate (Regulation and Development) Act, 2016 to entertain a complaint where one of the co-allottees seeks relief in respect of a jointly allotted unit without impleading the other co-allottee as a necessary party.

6. Further, the complaint was filed on 27.09.2024. More than 426 days have elapsed and the complainant has neither filed evidence to substantiate its own claims of payment nor has impleaded the co-allottees. In fact, it is only when the respondent counsel pointed out the fact of co-allottees that the complainant counsel now sought further time to file an application to implead the co-allottees.
7. Given the above conduct and factual matrix, the Authority holds that the present complaint is not maintainable. Hence, the Authority **disposes of** the captioned complaint on account of misjoinder and non-impleadment of a necessary parties.
8. However, since complaint is not heard on merits and taking into consideration the object of RERD Act, 2016 in letter and spirit, Authority decides to **dispose of** with a liberty to file a fresh complaint with better



particulars. This liberty may be availed by 15<sup>th</sup> January 2026 only and not beyond.

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]

  
.....  
NADIM AKHTAR  
[MEMBER]

  
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PARNEET S SACHDEV  
[CHAIRMAN]