



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 16 OF 2024

The Next Door Shopkeepers Welfare AssociationCOMPLAINANT

VERSUS

1. BPTP Ltd.
2. Countrywide Promoters Pvt Ltd
3. Business Park Management Service Pvt LtdRESPONDENTS

CORAM:	Parneet Singh Sachdev	Chairman
	Nadim Akhtar	Member
	Dr. Geeta Rathee Singh	Member
	Chander Shekhar	Member

Date of Hearing: 27.11.2025

Hearing: 7th

Present: - Mr. Gaurav Gupta, Counsel for the complainant through VC.
Mr. Hemant Saini, Counsel for the respondent

ORDER (PARNEET S. SACHDEV-CHAIRMAN)

1. In the captioned complaint, notice dated 11.01.2024 were issued to respondents to file reply. Same got delivered successfully on 14.01.2024. Accordingly, case was listed for first hearing on 13.02.2024. On said date, respondent sought time to file reply. Accepting the request, case was adjourned to 18.04.2024. Details of further hearings in brief are mentioned below:-
2. **Second hearing** dated 18.04.2024-Respondent again sought time to file reply. Accepting his request, case was adjourned to 01.08.2024.
3. **Third hearing** dated 01.08.2024-Respondent again sought time to file reply. Request was accepted subject to payment of cost of Rs 5,000/- payable to Authority and Rs 2,000/- payable to complainant.
4. **Fourth hearing** dated 26.09.2024-Reply has been filed by respondent on 05.08.2024 with an advance copy supplied to complainant wherein locus standi of complainant has been challenged stating that the complainant is not an elected body of association of real owners of shop. To this, Id. counsel for complainant sought time to file rejoinder clarifying the locus standi of complainant alongwith list of all elected members. Time of 3 weeks was granted to file the rejoinder.
5. On 16.01.2025 case could not be taken up for hearing due to non-completion of coram.




6. **Fifth hearing** dated 20.03.2025-No document was filed by complainant. I.d. counsel for complainant again sought time to file documents in compliance of order dated 26.09.2024.
7. **Sixth hearing** dated 03.07.2025-Complainant's counsel again sought time to file the documents stating some personal difficulty. Request was accepted and opportunity was granted to file the document upto 28.08.2025.
8. The Authority observes that today marks the **seventh (7th)** hearing in the present matter. Perusal of the case file reveals that the complainant has not filed any document clarifying their locus standi. Numerous opportunities had been availed by the complainant to file the document. In fact, w.e.f fourth hearing, complainant is seeking adjournment/time on one pretext or another for filing of documents. No reason or justification has been put forwarded by complainant till date for not filing of document evidence to substantiate its claims.
9. This conduct has contributed to an inordinate delay of 397 days, which is not only unwarranted but also obstructs the timely dispensation of justice. In the case of Kedar Nath Kohli vs Sardul Singh, 2003VIIIAD(DEL.III)313, the Hon'ble Delhi High Court upheld the maxim of *Actori incumbit onus probandi*. As is clear from the conduct of the complainant, he has not even bothered to substantiate his own claims.

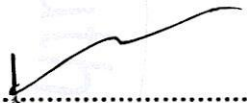


10. Hence, the complaint is accordingly **dismissed for non-prosecution** in view of above terms. File be consigned to the record room after uploading of the order on the website of the Authority.


CHANDER SHEKHAR
[MEMBER]


DR. GEETA RATHEE SINGH
[MEMBER]


NADIM AKHTAR
[MEMBER]


PARNEET S. SACHDEV
[CHAIRMAN]