



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Complaint no.:	1487 of 2025
Date of filing:	30.09.2025
First date of hearing:	12.01.2026
Date of decision:	23.02.2026

Madhu Gahlaut

W/o Sh. Hemant Gahlaut
R/oHouse no. 2141, Sector- 64C,
Faridabad, Haryana.

.....COMPLAINANT

Versus

1. KJ Buildtech LLP

Registered Office: IF-22-26, Ozone Center,
Sector-12, Faridabad, Haryana-121007

2. Kaptan Singh

(Owner, Developer and Promoter of KJ Buildtech LLP)

Registered Office: IF-22-26, Ozone Center,
Sector-12, Faridabad, Haryana-121007

3. Jetaish Kumar Gupta

(Owner, Developer and Promoter of KJ Buildtech LLP)

Registered Office: IF-22-26, Ozone Center,
Sector-12, Faridabad, Haryana-121007

.....RESPONDENTS

Present: None for complainant.

Adv. Tanya, counsel for respondents through VC

ORDER (NADIM AKHTAR- MEMBER)

1. Captioned complaint was filed by complainant in registry on 30.09.2025.

Basic facts of the case are:

Complainant is a buyer of SCO No. 72, Sector-79, admeasuring 201.110 sq. yards, in the project “Adore Fantasy Street”, Faridabad, That in the year 2021, the complainant booked the said SCO for a TSC of ₹81,73,815/-. Pursuant thereto, the complainant paid ₹20,00,058/- on 25.10.2021, and also signed the registration form. Complainant never consented to the inclusion of any co-applicant. The investment was induced by the agent of the promoters, Mr. Ashok Sharma, who assured the complainant regarding the safety of her money. Despite repeated requests, no documents or receipts were issued. In February 2022, the complainant further paid ₹10,00,000/- but again no receipt was issued. The agent falsely assured that all documents would be provided after full payment. That in 2022, without the knowledge or consent of the complainant, the respondents illegally issued an allotment letter by adding the name of **Mr. Babulal**, real brother of agent Ashok Sharma, as co-applicant. The allotment letter was wrongfully handed over to



the agent. During 2022–2024, the agent Mr. Ashok Sharma extorted large amounts in cash from the complainant, including ₹10 lakh + ₹9 lakh (2022), ₹6 lakh (2023), and ₹9.60 lakh (2024), on the pretext of depositing the same with the respondents. No valid receipts or allotment letter were provided. On 09.04.2025, the complainant discovered that her original signed registration form was missing from the file and a forged registration form showing Babulal as co-applicant was placed instead. It was also found that the allotment letter bore the agent's signature and mobile number. During police enquiry, the respondents prepared and produced false and forged receipts, including one for ₹9.50 lakh bearing fabricated signatures of the complainant. A genuine stamped receipt without her signature dated 09.04.2025 was obtained by the complainant, clearly establishing manipulation of records. Complainant further came to know, during pendency of a civil suit at Faridabad, that the respondents in collusion with the agent are attempting to illegally cancel SCO-72 on the basis of fabricated documents. An FIR No. 263/2025, Police Station Mujesar, Faridabad, has been registered against the promoters and their agent for fraud and forgery and is presently under investigation.

Now, captioned complaint has been filed seeking following reliefs:-



- (a) *“It is therefore, most humbly prayed that HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA, kindly cancel RERA license and other license of, K.J Build Tech, Adore Real Tech, Adore Fantasy Street of the said builders and promoters and also direct the said promoters and builders to rectify the instrument by removing the illegal name Babulal who made illegally as co-applicant in shop bearing no. 72 sector-79, Faridabad Adore Fantasy Street in the property of the complainant or also take any other necessary action against the said company and their promoters and builders.*
- (b) *Cost of the complainant be allowed.*
- (c) *Pass any other order, which this Hon’ble Authority deems fit and proper.”*

2. Respondent no. 1 had filed a reply challenging maintainability of complaint in registry on 07.01.2026. It is stated that complaint is barred by principle of res sub judice, the complainant herein has filed a separate matter before the Hon’ble Civil Judge Junior Division, Faridabad bearing no. CS 4103/2025 titled as *“Madhu Gahlot vs. KJ Buildtech LLP & Ors.* which is pending adjudication. Moreover, said case also involves same parties and similar reliefs. Similar Reliefs sought by the complainant in the civil suit are as follows:

- “a) Declare that the Plaintiff is the sole and exclusive lawful allottee/owner of the property bearing SCO Unit No. 72, Adore Fantasy Street, Sector 79, Faridabad, Haryana.***
- (b) Declare that the inclusion of Defendant No. 6 (Babulal) as co-plaintiff or co-owner in the said property SCO Unit No. 72, Adore Fantasy Street, Sector 79, Faridabad, Haryana is illegal, null, and void.***



(c) Pass a decree of Permanent Injunction restraining all the Defendants, their employees, agents, associates, or anyone claiming under them from: Interfering in any manner with the peaceful possession, title, or enjoyment of the Plaintiff in respect of the said property SCO Unit No. 72, Adore Fantasy Street, Sector 79, Faridabad, Haryana.

Creating any third-party rights or alienating the said property SCO Unit No. 72, Adore Fantasy Street, Sector 79, Faridabad, Haryana any manner whatsoever.

(d) Pass a decree of Mandatory Injunction directing Defendants:

** To execute and register a proper Conveyance Deed in favour of the Plaintiff;*

** To hand over all original documents, receipts, builder-buyer agreement, allotment letter, and possession letter to the Plaintiff SCO Unit No. 72, Adore Fantasy Street, Sector 79, Faridabad, Haryana.*

** To rectify the said instrument by removing the name of Defendant No.6 (Babulal) from all records, all documents, allotment and communications relating to the said property SCO Unit No. 72, Adore Fantasy Street, Sector 79, Faridabad, Haryana.*

(e) Award costs of the present suit to the Plaintiff;

(f) Grant any other reliefs) deemed just and proper in the facts and circumstances of the case.

OBSERVATIONS AND DECISION OF AUTHORITY

3. Authority observes that before the Learned Civil Court, the complainant has sought declaratory and injunctive reliefs to the effect that the inclusion of Mr. Babulal as co-applicant in respect of the said property is illegal, null and void, and further prayed for declaration of herself as the sole and exclusive lawful owner of SCO No. 72, Sector-79, Adore Fantasy Street, Faridabad. It is evident that substantially similar reliefs have also been sought in the



present complaint before this Learned Authority. It is pertinent to mention that the Hon'ble Civil Judge (Junior Division), Faridabad, vide order dated 04.09.2025, passed the following directions:

“Suit received by way of entrustment. It be checked and registered. Alongwith the suit, an application under Order XXXIX Rules 1 & 2 CPC also moved by plaintiff. Now notice of the suit as well as injunction application be issued to defendants for 17.09.2025 on filing of PF, RC and copy of plaint etc. Dasti summons be issued, if so desired.

It is stated clearly in the said notice with red ink that the defendant shall file their written statement within 30 days from the date of service of summons”

4. Perusal of this order Authority observes that the Civil Court has already taken cognizance of the matter, registered the suit, and issued notice to the defendants along with the injunction application, thereby setting the adjudicatory process in motion.
5. The principle of *res sub judice*, embodied in Section 10 of the Code of Civil Procedure, 1908, is a rule of sound judicial policy designed to prevent parallel adjudication, conflicting decrees, and the mischief of forum shopping. It proceeds on the foundational premise that if the matter in issue is directly and substantially the same, between the same parties and founded on the same cause of action, the later court must stay its hand in deference to the court first seized of jurisdiction. The *Hon'ble Supreme Court, in Indian Bank v. Maharashtra State Co-operative Marketing Federation*

Ltd. (1998) 5 SCC 69, underscored that the object of Section 10 is to avoid “judicial chaos” and multiplicity of proceedings, holding that permitting simultaneous trials on identical issues would not only waste judicial time but also imperil the integrity of the adjudicatory process. Equally, in *Manohar Lal Chopra v. Rai Bahadur Rao Raja Seth Hiralal, AIR 1962 SC 527*, the Court cautioned that while Section 10 restrains the trial of a subsequent suit, courts retain inherent powers to prevent abuse of process, reinforcing that the doctrine is ultimately rooted in fairness, comity, and the orderly administration of justice. Keeping in view the above discussion, judicial pronouncements and the fact that complaint between same parties as is in present complaint with the same reliefs is pending before the Civil Court, Faridabad, the present complaint cannot be proceeded with any further.

6. Further, this Authority is of the considered view that adequate opportunities have already been granted to the complainant to substantiate the maintainability of the present complaint. The matter was taken up on 12.01.2026, on which date the complainant was specifically directed to address and prove the maintainability of the complaint, particularly in view of the pendency of the civil suit involving identical parties and substantially similar reliefs. The case was thereafter adjourned to 23.02.2026 for the said



purpose. However, today also, i.e., 23.02.2026, neither the complainant nor any authorized representative appeared before this Authority. No application, written submissions, has been placed on record to demonstrate the maintainability of the complaint or to explain the absence. The conduct of the complainant, in failing to appear and not complying with the specific directions of this Authority, clearly indicates lack of diligence and absence of intent to pursue the present proceedings. It is well-settled that a party who invokes the jurisdiction of a judicial or quasi-judicial forum must prosecute the matter with due diligence and comply with directions issued from time to time. In *Karnataka Cooperative Bank Ltd. v. State of Karnataka* (Karnataka High Court, 25 Oct. 2025), the High Court dismissed a writ petition for default / non-prosecution where the petitioner failed to take procedural steps to advance the matter despite repeated opportunities and directions from the Court. This principle supports dismissal of the present complaint, in view of the complainant's repeated non-appearance and failure to establish maintainability.

7. This Authority further observes that the complainant has failed to specify the statutory provision under the Real Estate (Regulation and Development) Act, 2016, under which the present reliefs are being sought. The complainant has prayed for cancellation of the promoter's licence and for



removal of the name of the alleged co-applicant from the allotment letter. However, no reference has been made to any enabling provision of the Act empowering this Authority to grant such relief in the factual matrix of the present case. It is trite that a statutory authority, can exercise only such powers as are expressly conferred upon it by the Act. Relief of cancellation of registration/licence of a project is governed by specific provisions and can be invoked only in the manner and on the grounds prescribed therein. Likewise, adjudication upon the validity of inclusion of a co-applicant in an allotment letter, particularly when allegations of fraud and forgery are involved does not fall within the summary adjudicatory jurisdiction of this Authority in the absence of a clearly invoked statutory provision. Despite opportunity granted on 12.01.2026 to clarify the maintainability of the complaint and the specific provisions under which relief is sought, the complainant neither appeared nor filed any written submissions to substantiate the jurisdiction of this Authority. In the absence of any pleaded statutory foundation, and in view of the pendency of parallel civil proceedings involving identical issues, the present complaint is devoid of merit and is not maintainable.

8. The Authority observes that Respondent No. 2 and 3, Kaptaan Singh and Jetaish are Director of the promoter (Respondent no. 1). It is pertinent to



note that Respondent No. 2 and 3 has no direct contractual relationship with the complainant in respect of the sale or allotment of the apartment. Section 2(k) and Section 3 of the RERA Act, 2016 define the scope of “promoter” and “allottee” for the purposes of adjudication. Directors of the company do not fall within any of these statutory categories. Consequently, Respondent No. 2 and 3 is neither a promoter, nor allottee under the RERA framework, and this Authority has no jurisdiction to grant any relief against them. It is further observed that the complainant has not made any specific relief against Respondent No. 2 and 3 under the provisions of the Act. The complainant’s claims are directed solely against Respondent No. 1, and any attempt to include Respondent No. 2 and 3 amounts to misjoinder of parties. Established principles of law, including the test laid down by the Allahabad High Court in *Benares Bank Ltd. vs. Bhagwan Das (1946 SCC Online All 68)*, require that a party can only be made a necessary party if there exists a right to relief against it and an effective order cannot be passed in its absence. Both conditions are clearly absent in the present case with respect to Respondent No. 2 and 3. In view of the above, the Authority is of the considered opinion that Respondent No. 2 and 3 has been erroneously impleaded, is not a proper or necessary party, and any prayer for relief against it is outside the jurisdiction of this Authority.



9. With aforesaid observations, the complaint is thus *dismissed being not maintainable*. File be consigned in the record room after uploading of the order on the website of the Authority.



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NADIM AKHTAR
[MEMBER]