



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1237 OF 2025

Alexander Nathaniel and Anjali Nathaniel

....COMPLAINANTS

Versus

1. High-Tech Construction Co. Pvt. Ltd.
2. SRS Retreat Services Limited
3. Vashishth Estates Ltd

...RESPONDENTS

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

Date of Hearing: 05.03.2026

Hearing: 2nd

Present: None for the complainants.

None for the respondents.

ORDER (PARNEET S SACHDEV- CHAIRMAN)

1. That vide order dated 27.11.2025, the Complainant was directed to collect dasti notice from the office of the Registry and effect service upon Respondent No. 2 and 3, and further to submit a service report before the Authority on or before

05.02.2026. However, as per the office record, the dasti notice has not been collected by the Complainant till date. It was also directed that the Complainants shall file receipts of the amounts allegedly paid to the Respondents or furnish relevant bank account statements reflecting such payments by 27.12.2025. However, the same has not been placed on record.

2. Further, Respondent No. 1 was also granted opportunity to file its reply on or before 05.01.2026. However, no reply has been filed, and there has been no compliance with the directions issued by this Authority by either party.
3. Today, case was called several times, However, none appeared on behalf of either of the parties till the end of the day.
4. That as per office record, the present complaint was instituted on 03.09.2025 and notices were issued to the parties on 11.09.2025. The matter was first taken up for hearing on 27.11.2025, when specific and time-bound directions were issued to both sides. The case was thereafter listed for 05.03.2026, i.e., after a lapse of more than three months from the date of the last effective hearing. Despite sufficient time and opportunity, none of the directions have been complied with. That nearly Six months have elapsed and the Complainant has not even bothered to provide the basic and essential information needed and not collected dasti notice.
5. It is pertinent to note that compliance with the directions to file documentary proof of payment was essential for the proper adjudication of the claim. A considerable period has elapsed since the issuance of such directions, yet the

complainant has failed to take the necessary steps. Such delay on behalf of the complainant to prove his own case is unwarranted and impedes the expeditious disposal of the matter.

6. **In the case of Kedar Nath Kohli vs Sardul Singh**, 2003 VIII AD(Delhi) 313, the Hon'ble Delhi High Court upheld the maxim of *Actori incumbit onus probandi*. In the present case, despite having approached the Authority, the complainant has failed to place on record material evidence to substantiate the allegations raised in the complaint.
7. The Hon'ble Punjab & Haryana High Court, in the case of **Gurmesh Bishnoi v. Bhajan Lal**, Election Petition No. 11 of 1996, decided on 12.09.2000 (P&H), recognised the inherent power of courts and tribunals to dismiss proceedings where the party concerned fails to diligently prosecute the matter. The Court observed that a judicial forum cannot be compelled to keep proceedings pending when the litigant himself shows no interest in pursuing the case. The principle laid down therein is that where a party demonstrates indifference towards prosecution of its own case, the court is well within its jurisdiction to dismiss the proceedings for default or non-prosecution.
8. In view of the above facts and judicial pronouncements, non-compliance and failure to diligently prosecute the case, the Authority is constrained to **dismiss the present complaint**. Liberty is provided to file a fresh complaint with proper particulars, subject to limitation in accordance with law.



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]


.....
PARNEET S SACHDEV
[CHAIRMAN]

