



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

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

COMPLAINT NO. 1678 OF 2024

1. Aakarshak Realators Private Limited
2. Parker Infrastructure Private Limited ....COMPLAINANTS

VERSUS

1. White Lily Resident Welfare Association
2. Javier Management Services Private Limited ....RESPONDENTS

**CORAM:**

Parneet S Sachdev	Chairman
Nadim Akhtar	Member
Dr. Geeta Rathee Singh	Member

**Date of Hearing:** 12.02.2026

**Hearing:** 4<sup>th</sup>

**Present:** - Adv. Neeraj Goel, Counsel for the complainant no.1 and 2through VC

None for respondents

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

1. The present complaint was instituted under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (“the Act”). Upon scrutiny of the record, it emerged that the complainant had not furnished a complete and proper address of the respondent. Consequently, the notice issued by this Authority was returned unserved.
2. Today, Sh. Neeraj Goel appeared for complainants and apprised the Authority that dasti notice to respondents had been served. However, no details and no evidence was provided for the same. As per office record, no such report has been filed by the complainants in the registry till date.
3. On perusal of file, it has come to the notice of the Authority that captioned matter was taken up for hearing on 02.12.2024, 21.04.2025 and 14.10.2025. In all these hearings, complainants were given opportunities to take dasti notice and serve the same upon respondents. However, complainants have miserably failed to do so till date.
4. Taking into consideration that since last hearing *122 days* have already passed and complainants instead of filing service report has sought one more opportunity to file the same. Repeated adjournments were sought on the ground of “seeking further opportunity,” without any material placed on record to demonstrate bona fide efforts at service.



5. At this stage, the Authority deems it fit to elucidate the law on adjournments, especially frivolous ones where the only purpose is to somehow delay the proceedings. Such delays adversely affect the dispensation of justice. *Order XVII Rule 1 of CPC*, specifically governs adjournments. This empowers a court to grant adjournments at any stage of a suit if "sufficient cause" is shown. It mandates that the reasons for adjournment must be recorded in writing and imposes a limit of a maximum of three adjournments for a party during the hearing of the suit to prevent delays. However, the court can still grant further adjournments in extraordinary circumstances, and costs can be imposed for adjournments. In Summary proceedings as under RERD ACT, the adjournment rule even more stringent.

The court may dismiss a case, strike out pleadings or not consider the submissions of a party who is repeatedly and deliberately misusing adjournments and fails to proceed with the case. The Court may also dismiss the suit for non-prosecution. Defence may also be struck off in case of repeated/ frivolous delays by the respondent. Advocates who misuse adjournments render themselves liable for disciplinary action by the Bar Council or relevant legal authority. Such conduct can amount to professional misconduct under Bar Council rules or ethical codes.



In the case of *Shiv Cotex v. Tirgun Auto Plast (2011) 9 SCC 678*, the Hon'ble Apex Court has stated as below:-

*"No litigant has a right to abuse the procedure provided in CPC. Adjournments have grown like cancer corroding the entire body of justice delivery system."* (para 16).

Similarly in para 17 of the order, the Hon'ble Apex court recorded as below

*"A party to the suit is not at liberty to proceed with the trial at its leisure and pleasure and has no right to determine when the evidence would be let in by it or the matter should be heard. The parties to a suit — whether the plaintiff or the defendant — must cooperate with the court in ensuring the effective work on the date of hearing for which the matter has been fixed. If they don't, they do so at their own peril."*

In the present case, the Authority had given multiple opportunities to complainant as stated above in para 3 of this order. However, the complainants decided to pay no heed to the directions issued by the **Authority for more than 438 days since filing of captioned complaint.**

6. Proceedings before this Authority, though summary in nature, are nevertheless judicial in character. The principles of natural justice require that the opposite party be duly served before adjudication can proceed. The

*burden to ensure proper particulars of the respondent lies squarely upon the complainant who invokes the jurisdiction of this Authority.*

7. The conduct of the complainant in the present case reflects a lack of diligence. The *Supreme Court in Bimal Kumar and Another v. Shakuntala Debi and Others, (2012) 3 SCC 548*, has held that a litigant who approaches a judicial forum must prosecute his case with due diligence and cannot seek indulgence of the Court by adopting a casual approach. Similarly, in *Salem Advocate Bar Association (II) v. Union of India, (2005) 6 SCC 344*, the Supreme Court underscored that procedural discipline is integral to the administration of justice, and that courts are not obliged to grant repeated adjournments in the absence of sufficient cause.

Order XVII Rule 3 of the Code of Civil Procedure, 1908, though not strictly binding upon this Authority, embodies a salutary principle—that where a party, despite opportunity, fails to produce evidence or take necessary procedural steps, the court may proceed to decide the matter. *The Supreme Court in Arjun Singh v. Mohindra Kumar, AIR 1964 SC 993*, emphasised that procedural law is not an empty formality and that defaulting parties cannot claim indefinite indulgence.

It is trite that “law assists the vigilant and not those who sleep over their rights” (*State of Maharashtra v. Digambar, (1995) 4 SCC 683*). In the



present case, the complainant, having invoked the jurisdiction of this Authority, was expected to act with expedition. A period of 122 days without effecting service—despite specific direction—cannot be characterised as a mere inadvertent lapse. It betrays indifference to the very proceedings initiated.

The scheme of the RERA Act mandates expeditious adjudication. Section 29 envisages disposal of complaints as expeditiously as possible. Such legislative intent would be defeated if complainants are permitted to stall proceedings through procedural non-compliance.

8. In view of the above, this Authority is constrained to conclude that the complainant has failed to demonstrate seriousness in prosecuting his complaint. The repeated failure to effect service, despite ample opportunity, constitutes sufficient ground to dismiss the complaint for non-prosecution. Accordingly, the complaint stands **dismissed** for non-prosecution.

It is, however, clarified that if permissible in law and subject statutory requirements, the complainant shall be at liberty to institute fresh proceedings upon furnishing correct particulars and demonstrating bona fide intent to prosecute.



9. File be consigned to record room after uploading of this order on the website of the Authority.



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**DR. GEETA RATHEE SINGH**  
[MEMBER]



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**NADIM AKHTAR**  
[MEMBER]



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**PARNEET S SACHDEV**  
[CHAIRMAN]