



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 94 OF 2024

Sandeepa Singla W/o Shr. Mukesh Singla

....COMPLAINANT

VERSUS

Aarcity Builders Pvt. Ltd.

....RESPONDENTS

CORAM:

Parneet S Sachdev

Chairman

Dr. Geeta Rathee Singh

Member

Date of Hearing: 23.04.2026

Hearing: 6th

Present: - None for complainant

Adv. Neeraj Goel, Counsel for the respondent through VC

ORDER (PARNEET SINGH SACHDEV - CHAIRMAN)

1. Present complaint has been filed on 23.02.2024 by complainant under Section 31 of the Real Estate (Regulation & Development) Act, 2016 (for short Act of 2016) read with Rule 28 of the Haryana Real Estate (Regulation & Development) Rules, 2017 for violation or contravention of the provisions

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of the Act of 2016 or the Rules and Regulations made thereunder, wherein it is inter-alia prescribed that the promoter shall be responsible to fulfil all the obligations, responsibilities and functions towards the allottee as per the terms agreed between them. Complainant has filed the captioned complaint seeking following reliefs:

*“ (i) compensation with regard to penalty for the delayed possession should also be awarded to the complainants.
(ii) The penal clauses be invoked against the erring respondent.”*

2. On the other hand, respondent at para no. 4 in its reply dated 10.07.2025 has stated as follows:

“4. That the Respondent has made multiple efforts to offer early possession of alternate units to the Complainant through emails and other communications. However, the Complainant failed to respond to any of the offers. The details of such offers are as follows:

a. On 31.01.2022, the Respondent sent an email offering the Complainant an opportunity to shift her unit from Phase 2 to Phase 1, but the Complainant did not respond.

b. On 01.07.2023, the Respondent sent another email offering the Complainant a chance to shift to an early possession same size unit in Towers B, D, G, and A, but again, there was no response from the Complainant.

c. On 11.06.2024, the Respondent repeated its offer via email, inviting the Complainant to shift to an early possession unit in Towers B, D, G, and A, but once more, no response was received from the Complainant.

d. On 10/02/2025 again the Respondent has sent offer of shifting email and invited the Complainant to shift her unit her unit into early possession unit of Tower A, but the Complainant did not respond.

Copies of above emails are attached and mark as Annexure R1 Colly with this reply.

It is respectfully submitted that the concerned tower is no longer proposed to be constructed due to ongoing disputes with the landowner/co-



developer. However, the Respondent, in good faith and without prejudice to its rights, is still willing to shift the Complainant's allotment to an alternate unit in a tower which is currently under construction and is expected to be completed by December 2025. The Respondent remains committed to offering either such alternate unit or a refund, as may be directed by this Hon'ble Authority in the interest of justice."

3. After going through submission of both the parties, Authority observes that complainant has booked flat bearing no. C2-706 in respondent project namely, "Regency Park" situated at Sector 11A and 17, Hisar, Haryana. However, after perusing the relief clause of present complaint, Authority observes that aforesaid clause does not clarify whether complainant is seeking relief of possession along with delayed interest or compensation. Even if, complainant was seeking possession of the booked unit, then also respondent has clarified his stand that possession of said unit is not possible to be delivered due to ongoing disputes with the landowner/co-developer. In support of the aforesaid contention of respondent, certain email offering alternative units to the complainant are also annexed with the reply at page no.7-10.
4. In order to clarify the facts of the captioned complaint, Authority vide order dated 03.04.2025 adjourned the matter for final arguments on 04.09.2025. However, due to constitution of benches matter was taken up for hearing on 13.11.2025. On the said date, no one marked the presence on behalf of complainant. Accordingly, case was again adjourned for final arguments on

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29.01.2026. On the said date due to non-completion of the quorum case was again adjourned for final arguments on 23.04.2026 i.e. today. Even, today after the lapse of **386 days** from the order dated 03.04.2025 complainant has neither argued nor filed any rejoinder clarifying her relief sought or her stand on the alternative units offered by the respondent as mentioned in its reply.

5. **At this stage, the Authority deems it fit to elucidate the law on** lack of due diligence on the part of the complainant. 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 791 days have already elapsed since filing of captioned complaint and complainant till today has not argued her own case which cannot be characterised as a mere inadvertent lapse. It betrays indifference to the very proceedings initiated.

6. 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.
7. In view of the above, this Authority is constrained to conclude that the complainant has failed to demonstrate seriousness in prosecuting her complaint. The repeated non-appearance of either the counsel or the complainant and not **arguing own case**, despite ample opportunity, makes the case fall squarely into the ambit of the aforementioned judgments.
8. Even on merits, the complainant has sought the first relief of **compensation** with regard to penalty for the delayed possession. It is observed that Hon'ble

Supreme Court of India in Civil Appeal Nos. 6745-6749 of 2027 titled as “M/s Newtech Promoters and Developers Pvt. Ltd. V/s State of U.P. & Ors.” (supra), has held that an allottee is entitled to claim compensation under Sections 12, 14, 18 and Section 19 which is to be decided by the learned Adjudicating Officer as per section 71 and the quantum of compensation shall be adjudged by the learned Adjudicating Officer having due regard to the factors mentioned in Section 72. The Adjudicating Officer has exclusive jurisdiction to deal with the complaints in respect of compensation.

9. The second relief i.e invocation of penal clauses is vague and non-specific and cannot be adjudicated.
10. In view of the above, the case is *disposed as dismissed*.

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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PARNEET S SACHDEV
[CHAIRMAN]