



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in  
COMPLAINT NO. 1559 of 2025

Tavinderjit Singh Malhotra

....COMPLAINANT

VERSUS

1. Dhingra Jardine Infrastructure Pvt. Ltd.
2. Flat Buyers Welfare Association Blue Soitare Tower-C

....RESPONDENTS

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

**Date of Hearing:** 02.04.2026

**Hearing:** 1<sup>st</sup>

**Present:** - Adv. Shubhnit Hans, counsel for the complainant through Video Call.

Ms. Neetu Singh, Counsel for both the respondents through Video Call

## ORDER (PARNEET SINGH SACHDEV - CHAIRMAN)

1. As per office record, notice issued to both the respondents were successfully delivered on 17.02.2026.

2. On perusal of file, it has come to the notice of the Authority that a builder buyer agreement was executed between parties i.e., Mr. Tavinderjit Singh Malhotra along with second applicant Mr. Wasdev Singh Malhotra. However, in the present complaint neither Mr. Wasdev Singh Malhotra has been impleaded nor his affidavit has been placed on record. Hence, the present complaint suffers on technical ground of non-impleadment of necessary party.
3. Adv. Shubhnit Hans, counsel for the complainant apprised the court that present complainant is residing in Canada and his father namely Mr. Wasdev Singh Malhotra had died. However, his death certificate has yet to be placed on record. Therefore, he sought some more time to place on record the death certificate of the second applicant.
4. In view of above, complainant has to place on record a death certificate and a legal heir certificate to prove his sole entitlement. The present complaint, as instituted, suffers from a foundational defect which goes to the root of its maintainability. The complainant has admittedly failed to place on record the death certificate of his deceased father, who was a co-allottee of the subject unit, as well as the requisite legal heir certificate evidencing his locus to prosecute the present proceedings on behalf of the estate of the deceased co-allottee. In proceedings under the Real Estate (Regulation and Development) Act, 2016, where rights in immovable property are asserted, the Authority cannot proceed in abstraction of title

or lawful entitlement. The absence of these essential documents renders the complaint incomplete, depriving the Authority of the ability to determine whether the complainant is duly clothed with the legal capacity to maintain the action.

5. The Supreme Court has consistently held that where a lis is instituted without necessary foundational facts or documents, the Court is justified in declining to entertain the same. In *T. Arivandandam v. T.V. Satyapal*, (1977) 4 SCC 467, the Hon'ble Supreme Court authoritatively held that if on a meaningful, not formal reading of the pleadings it is manifest that the proceeding is vexatious, meritless, or lacks essential particulars, the Court must exercise its jurisdiction to nip such proceedings in the bud. Equally, in *Church of Christ Charitable Trust and Educational Charitable Society v. Ponniamman Educational Trust*, (2012) 8 SCC 706, the Court emphasised that production of essential documents forming the basis of a claim is not a mere procedural formality but a substantive requirement, and non-compliance therewith justifies rejection of the proceedings at the threshold.
6. Applying the aforesaid settled principles, this Authority finds that the present complaint, bereft of the death certificate of the co-allottee and proof of legal heirship, is incomplete and incapable of adjudication on merits. The deficiency is not curable within the present proceedings and

within a short time-frame. *Accordingly, the complaint is disposed at the threshold as being incomplete and not maintainable in its present form.*

7. However, in the interest of justice, liberty is granted to the complainant to institute a fresh complaint, if so advised, after placing on record all requisite documents, including proof of death of the co-allottee and valid legal heirship, within a period of eight months from today, subject to just exceptions.
8. File be consigned to the record room.

  
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CHANDER SHEKHAR  
[MEMBER]

  
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DR. GEETA RATHEE SINGH  
[MEMBER]

  
.....  
NADIM AKHTAR  
[MEMBER]

  
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PARNEET S SACHDEV  
[CHAIRMAN]