



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1615 OF 2025

Mrs. Neeru Rai

....COMPLAINANT

VERSUS

1. Aegis Value Homes Ltd
2. Divey Dhamija
3. Executive Officer
4. Director Town and Country Panning Department, Chandigarh

....RESPONDENTS

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

Date of Hearing: 09.04.2026

Hearing: 2nd

Present: - Adv. Ashwarya Bajaj, Counsel for the complainant through VC
Adv. Neeraj Goel, Counsel for the respondent no.1 through VC

ORDER (PARNEET SINGH SACHDEV - CHAIRMAN)

1. As per last order dated 15.01.2026, respondent was directed to file reply by 13th February 2026. As per office record no reply has been filed till date.

2. Today, Adv. Neeraj Goel appeared for respondent and sought one last opportunity to file reply. However, orally he stated that present case is not maintainable on the ground that present complaint suffers from legal defect i.e., non-impleading of co-allottees i.e., Mr. Aman Rai. As per respondent record, present complainant Mrs. Neeru Rai jointly with Mr. Aman Rai had applied for a unit in question.
3. Upon review of the record, it is evident that pursuant to the Apartment Buyer's Agreement dated 27.12.2017, the subject unit (No. B-908, Tower B) was jointly allotted to Mrs. Neeru Rai and her son, Mr. Aman Rai, for a consideration of ₹11,11,560/-. Notably, the complainant failed to disclose the existence of the co-allottee in her pleadings, nor was he joined as a party to these proceedings. Counsel for the respondents contends that this material omission demonstrates a failure to approach the Authority with clean hands. Consequently, it is argued that the complaint is non-maintainable and should be dismissed in limine.
4. Adv. Ashwarya Bajaj, counsel for the complainant sought one week time to file application with regard to amended memo of parties along with affidavit of both allottees.
5. During hearing, Authority asked the complainant to clarify his stand as to how can a complaint be entertained when co-allottee is not made party to the



same. Further, is it possible to grant relief to one allottee in absence of the other co-joint allottees vis-à-vis the unit as per provisions of RERA Act, 2016. To this, counsel for complainant has failed to give satisfactory reply to the query put forth by the Authority.

6. After hearing both parties and examining the record, the Authority notes that this complaint was filed on 28.10.2025, by Mrs. Neeru Rai, seeking possession of Unit No. B-908 in the "Smart Homes, Karnal" project. While the unit was jointly allotted to Mrs. Rai and her son, Mr. Aman Rai, the latter has not been joined as a party to these proceedings. It is pertinent to mention that there is no provision under the Real Estate (Regulation and Development) Act, 2016 to entertain a complaint where one of the co-allottees seeks relief in respect of a jointly allotted unit without impleading the other co-allottee as a necessary party.
7. Further, the complaint was filed on 28.10.2025. More than 164 days have elapsed and the complainant has not impleaded the co-allottee. In fact, it is only when the respondent counsel pointed out the fact of co-allottee that the complainant counsel now sought further time to file an application to implead the co-allottees.
8. Given the above conduct and factual matrix, the Authority holds that the present complaint is not maintainable. Hence, the Authority **disposes of** the



captioned complaint on account of misjoinder and non-impleadment of a necessary parties.

9. However, since complaint is not heard on merits and taking into consideration the object of RERD Act, 2016 in letter and spirit, Authority decides to **dispose of** with a liberty to file a fresh complaint with better particulars. This liberty may be availed by **15.10.2026** only and not beyond.

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]