



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1614 OF 2025

Mr. Yogender Dutt.

....COMPLAINANT

VERSUS

1. Aegis Value Homes Ltd
2. Divey Dhamija
3. Executive Officer
4. Director Town and Country Planning 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.

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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., Mrs. Santosh Kmari. As per respondent record, present complainant Mr. yogender Dutt jointly with Mrs. Santosh Kumri had applied for a unit in question.
3. On perusal of file, it is revealed that vide apartment buyer agreement dated 03.04.2019, Mr. yogender Dutt jointly with his wife Mrs. Santosh Kumri was allotted unit bearing no. A6-102, Tower A6 having area 638.80 sq.ft. for basic sale consideration of ₹ 19,89,320/-. However, complainant in his pleadings neither mentioned about the co-allottee Mrs. Santosh Kumri nor made her party to the present complaint. Counsel for respondents while arguing the case stated that a perusal of above stated documents clearly shows that complainant had not come to Authority with clean hands or correct facts. Hence, present complaint is not maintainable and is liable to be dismissed at the outset.
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 the parties and perusing the records, the Authority observes that the present complaint was filed before the Authority on 28.10.2025 by Mr. yogender Dutt through his counsel, Sh. Ashwarya Bajaj, seeking refund of the amount paid in respect of Unit No. A6-102 allotted by the respondent in the joint names of Mr. yogender Dutt with his wife Mrs. Santosh Kumri in the project titled "Smart Homes, Karnal." 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]


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NADIM AKHTAR
[MEMBER]


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PARNEET S SACHDEV
[CHAIRMAN]