HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1145 OF 2025

Surender Singh ....COMPLAINANT

VERSUS

1.Maxheight Promoters Pvt. Ltd.
2. Neelam Vashishth ....RESPONDENTS

Date of Hearing: 13.10.2026

Hearing: 5th

Present: - Adv. Rishabh Singhal, Learned Counsel for the Complainant through VC.
Mr. Arvind K. Nagpal, Learned counsel for the Respondent no. 1 & 2 through VC

ORDER(DR. GEETA RATHEE SINGH- MEMBER)

1. Today, the case is fixed for filing of rejoinder. As per record rejoinder is yet to be filed.

2. Upon perusal of record, it is observed that the complainant has filed present complaint seeking refund of paid amount of Rs 16,58,725/- paid in respect of Unit no. 507, Block A in the project namely, Maxheights Dream Homes, Sector 61, Sonepat developed by respondent no.1 alleging that instead of delivering possession of the unit in question, respondent no. 1 had sold it to some other party without the complainant's knowledge and consent. The unit

in question has been sold to third person on the basis of forged and fabricated documents prepared by respondent no. 1. Hence, present complaint seeking refund of paid amount along with interest.

In response it has been submitted by the respondent no. 1 that the project in question is complete in all respects and occupation certificate had already been received on 06.03.2019. Thereafter, the complainant took physical possession of the unit on 01.02.2021. Copy of the possession certificate dated 01.02.2021 is placed on record as Annexure R-2. It is alleged by the respondent no.1 that the complainant had taken physical possession in collusion with one of the employees of the respondent no. 1, Ms Rashmi Rathi, company without making payment of total sale consideration of amount. Later on, the complainant himself had sold the unit in question to one Mrs Neelam Vashisht. Now, after a lapse of many years the complainant has concocted a false story to elicit wrongful gains from respondent no.1.

In furtherance, Ms Neelam Vashisht, respondent no. 2 by way of her reply submitted that the unit in question has been sold to her by complainant after obtaining physical possession from respondent no. 1. She is a bona fide purchaser who has acquired the unit in good faith and upon payment of valuable consideration. Respondent no. 2 has placed on record proof of payment made in respect of the unit to Ms Rashmi Rathi submitting that the said paid amount got remitted to the complainant who in turn sold the unit to

her. Proof of transaction/ flow of paid amount between the complainant and Ms Rashmi Rathi has also been filed along with the reply. Respondent no. 2 pleaded that she has been enjoying peaceful and undisputed possession of the unit in question since past five years.

3. Learned counsel for the complainant argued that the documents relied upon by both the respondents are forged and fabricated. The complainant never took physical possession of the unit in question and signed any possession certificate. Learned counsel averred that both the respondents are indulged in conspiracy and fraud against the complainant. Accordingly, he sought time to furnish relevant documents necessary for adjudication in the present complaint.

4. Having considered the rival submissions, pleadings and documents available on record, the Authority observes that the controversy involved in the present complaint is not confined merely to the refund of the amount allegedly paid by the complainant towards the unit in question. Rather, the dispute essentially revolves around the genuineness and validity of the possession certificate dated 01.02.2021, the alleged subsequent transfer of the unit in favour of respondent No. 2, the authenticity of the documents relied upon by the respondents and the allegations of fraud, forgery and collusion.

It is pertinent to observe that while the complainant categorically denies having taken possession or executed any document transferring rights in the

unit, both the respondents have asserted that possession was duly handed over and that the complainant himself subsequently transferred the unit to respondent No. 2 for valuable consideration. Thus, the very foundation of the rival claims rests upon seriously disputed questions of fact concerning the execution, authenticity and legal effect of the documents forming the basis of the alleged transfer.

The Authority is of the considered view that the determination of such disputed questions, particularly those involving allegations of forgery, fabrication, fraudulent execution of documents and the validity of the subsequent transfer of title in favour of a third party, would necessitate a detailed examination of evidence and adjudication of rights and title which would warrant investigation into a host of facts.. Such issues cannot appropriately be determined in the present summary regulatory proceedings under the Real Estate (Regulation and Development) Act, 2016.

5. In view of the foregoing facts and circumstances, the Authority is of the considered opinion that the relief sought by the complainant is intrinsically connected with the disputed validity of the documents and the alleged transfer of the unit in favour of respondent No. 2, which requires prior adjudication by a competent Court of appropriate jurisdiction as per relevant law. Accordingly, the present complaint is disposed of, with liberty to the complainant to approach the competent Court as per laws for redressal of the grievances. The complainant shall be at liberty to approach the Authority

afresh for appropriate relief under the RERA Act of 2016, subject to the outcome of the proceedings before the competent Court concerning the validity or setting aside of the alleged transfer/conveyance deed in accordance with relevant law.

6. The complaint stands **disposed of** accordingly. File be consigned to the record room after uploading the order on the website of the Authority.

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

Haryana Real Estate Regulatory Authority
सत्यमेव जयते
Panchkula