BEFORE RAJENDER KUMAR, ADJUDICATING OFFICER, HARYANA REAL ESTATE REGULATORY AUHORITY, GURUGRAM:

Vinita Dalmia	Vs.	M/s Elan Ltd.	Complaint No. 5941/2025
Ajay Kumar Dalmia	Vs.	M/s Elan Ltd.	Complaint No.5651/2025

Present: Mr. Vipul Dalima, Attorney for the complainants.
Mr. Ishan Dang & Mr. Naveen Yadav, Advocates for the respondent.

ORDER

Both of aforementioned complaints (Complaint No.5941/2025 titled "Vinita Dalima vs. Elan Ltd. & Complaint No.5615/2025 titled "Ajay Kumar Dalmia Vs. Elan Ltd.") are taken up together, as submitted by learned counsels for both of parties. The respondent in these cases is same i.e. M/s Elan Ltd. and issues are also same.

2. On the previous date i.e. 12.08.2026, an application filed by the respondent with a prayer to dismiss the complaint, was disallowed observing that similar application had already been filed on behalf of the respondent and arguments were being advanced on that application.

3. Heard, on the application filed by the respondent with a prayer to recall/correct aforesaid order i.e. dated 12.08.2026. It is submitted by learned counsel for the respondent that no such application had been filed by his client before application under consideration, which was submitted

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on 12.08.2026. This fact is not disputed on behalf of complainants. Keeping in view said facts, it appears that said order has been passed mistakenly and hence recalled.

4. The complaints in hands have been filed by each of complainants through one Mr. Vipul Dalmia, stated to be his/her Power of Attorney (POA). Through application dated 12.08.2026, the respondent prayed to dismiss both the complaints on the ground that the POA in favour of Mr. Vipul Dalmia is not a legal and properly executed power of attorney. Reply to the said application has already been filed by the complainants.

5. It is submitted by learned counsel for the applicant/respondent that even if any such Power of Attorney (POA) was executed by the complainants, the same is not a valid POA. POA (original) has not been put on record. Said POA is in relation to five properties. Present complaints are in relation to Unit no. FF53A Ist Floor in project "Elan Epic", Sector-70, Gurugram and Unit No.FF57 Ist Floor of the same project. None of these units or the project has been mentioned in the POA, allegedly executed by the complainants. The impugned POA is dated 13.06.2019. What to say of allotment of aforesaid units in favour of the complainants till this date, the latters had not even applied to the respondent for allotment of any such unit.

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Even as per the complainants, said units were booked on 14.12.2023 and allotment letter is also of the same date i.e. 14.12.2023. The attorney holder has not been authorized to file any complaint or suit in respect of subject units before any court/Tribunal/ Authority etc. or to initiate any proceedings on behalf of executant i.e. the complainants.

6. It is further plea of learned counsel that on a similar application filed by his client (respondent), the Authority has dismissed complaint observing that the POA was not a valid document. Further, the attorney holder (Mr. Vipul Dalmia) is an Advocate, he cannot be allowed to act in the capacity of GPA holder as well as an Advocate, at the same time. Learned counsel relied upon some precedents in this regard i.e. *"Anil Kumar & Anr. V. Amit" CRP 75/2020 & CM Appl.29472/2020 (Delhi HC), decided on 17.11.2021, "Baker Oil Tools (India) Pvt. Ltd. Vs. Baker Hughes Ltd. (Delhi HC)" 2011 (34) RCR(Civil) 885 and "Mangala Petroleum Associates Vs. Mahesh Motors (Gauhati HC)" 2014 Supreme (Gau) 642.*

7. Facts as narrated by learned counsel for the respondent are not disputed on behalf of the complainants, although learned attorney claims that POA in his favour is a valid document. Even if Mr. Vipul Dalmia is an Advocate, no Vakalatnama has been filed by him in this case. So far as validity/genuineness of POA is concerned, there is no denial that this document was executed on 13.06.2019 when the complainants had not

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applied for allotment of any unit to the respondent. Said document does not mention about any unit, name of project or even the fact of complainants authorizing Mr. Vipul Dalmia to file a complaint before the Authority/Adjudicating Officer on behalf of the complainants. Even Unit numbers or this project has not been mentioned in this POA. A perusal of it shows that the Attorney holder had been authorized to do several acts like-- to conduct, transact, carry on and manage the immoveable properties ..... to negotiate with any person on such terms..... to assign my/our all right, benefit, obligations etc..... to give, move and present to the company or any appropriate authority, any application, affidavit, indemnity, undertaking etc..... to make/receive any payment directly to/from the company.....to do all other lawful acts, deeds and things in connection with the immovable properties.....

8. It does not mention about filing of any application/complaint before the Authority/Adjudicating Officer. In this way, in my opinion, said document i.e. POA was not proper authorization in favour of Mr. Vipul Dalmia by the complainants.

9. Both of these complaints are thus dismissed, observing that the complainants may file fresh complaint if not barred by any law. Even learned counsel for the respondent has no objection if liberty is granted to the

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complainants to file complaint afresh i.e. on same cause of action, as done by the Authority.

Files be consigned to the record room.

Dated:15.10.2026

(Rajender Kumar)
Adjudicating Officer,
Haryana Real Estate Regulatory Authority,
Gurugram.