



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. Complaint no. 80 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd.

..... Respondent

2. Complaint no. 81 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

3. Complaint no. 82 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

4. Complaint no. 601 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

5. Complaint no. 602 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

6. Complaint no. 604 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

7. Complaint no. 605 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

8. Complaint no. 606 of 2020

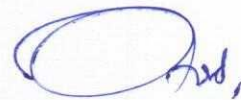
HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent



9. Complaint no. 607 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

10. Complaint no. 608 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

11. Complaint no. 609 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

12. Complaint no. 610 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

13. Complaint no. 611 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

14. Complaint no. 612 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

15. Complaint no. 613 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

16. Complaint no. 614 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

17. Complaint no. 615 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

18. Complaint no. 616 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

19. Complaint no. 617 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

20. Complaint no. 618 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

21. Complaint no. 619 of 2020

HRERA Panchkula

..... Complainant

V/s

M/s Ferrous Infrastructure Pvt Ltd

..... Respondent

**CORAM: Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag**

**Chairman
Member
Member**

Date of Hearing: 04.11.2020

Hearing: - 3rd

Present: -Mr. Sourabh Goel, Counsel for the respondent.

ORDER (ANIL KUMAR PANWAR-MEMBER)

1. This complaint was suo motu registered by the Authority for recovery of cost amounting to ₹ 2,48,000/- to the Authority and ₹ 15,000 to complainant, which was imposed upon the respondent for non-filing of reply on time and seeking adjournments on various date of hearings.


2. The following table will reflect the details of dates on which costs were imposed, the reason for imposing cost and the amount of cost imposed:



Complaint no.	Date	Reasons for imposing cost	Costs	
			Payable to Authority	Payable to Complainant
601/20	17.09.2019	Reply not filed and seeking adjournments	Rs. 15,000/-	Rs. 2,000/-
602/20	10.07.2019	Reply not filed and seeking adjournments	Rs. 15,000/-	Rs. 2,000/-
604/20	06.02.2020	Reply not filed.	Rs. 20,000/-	Nil
605/20	06.02.2020	Reply not filed.	Rs. 20,000/-	Nil
606/20	06.02.2020	Reply not filed.	Rs. 20,000/-	Nil
607/20	06.02.2020	Reply not filed.	Rs. 20,000/-	Nil
608/20	06.02.2020	Reply not filed.	Rs. 10,000/-	Nil
609/20	06.02.2020	Reply not filed.	Rs. 20,000/-	Nil
610/20	06.02.2020	Reply not filed.	Rs. 20,000/-	Nil
611/20	06.02.2020	Reply not filed.	Rs. 20,000/-	Nil
612/20	06.02.2020	Reply not filed.	Rs. 20,000/-	Nil
613/20	06.02.2020	Reply not filed.	Rs. 20,000/-	Nil
614/20	06.02.2020	Reply not filed.	Rs. 20,000/-	Nil
615/20	06.02.2020	Reply not filed.	Rs. 20,000/-	Nil
616/20	06.02.2020	Reply not filed.	Rs. 20,000/-	Nil
617/20	06.02.2020	Reply not filed.	Rs. 20,000/-	Nil
618/20	06.02.2020	Reply not filed.	Rs. 20,000/-	Nil
619/20	06.02.2020	Reply not filed.	Rs. 20,000/-	Nil
80/20	04.12.18 and 31.10.19	Reply not filed and seeking adjournments.	Rs. 43000/-	Nil
81/20	27.11.2018	Reply not supplied to complainant on time.	Nil	Rs. 2,000/-
82/20	07.02.19 and 10.04.19	Reply not filed and seeking adjournments.	Rs. 15,000/-	Rs. 2,000/-
Total			Rs. 3,23,000/-	Rs. 8,000/-

3. The respondent has been heard on the application which he has filed for waiving the above-mentioned costs.

4. The very first argument put forth by the respondent to assail the imposition of costs is that the Authority had imposed cost on very first date when the respondent had appeared in the court and therefore, the cost is unjustified. The authority finds no merit in the contention because it was specifically mentioned in the notice issued to the respondent that he will be liable to pay cost on failure to file reply by the date mentioned in the notice. Said notice on the respondent was duly served but he did not file the reply within the time so stipulated in the notice and therefore rendered himself liable to costs of which the amount was also indicated in the notice. So, it cannot be said that the costs were not warranted and the Authority had illegally imposed costs on the first date of appearance.
5. The next argument raised is that The Haryana Real Estate (Regulation and Development) Rules 2017 framed by the appropriate government does not allow the Authority to impose costs on account of non-filing of reply within time stipulated in the notice served upon the promoter. The Authority again regrets its inability to accept the argument. The Authority is obligated to expeditiously dispose of the complaint and therefore, it must be assumed that it has inherent power to impose costs in order to eschew the tendency of seeking unnecessary adjournments by a defaulting party. In fact, it is because of this reason that the Authority has adopted a practice of stipulating the time for filing reply in the notice sent to the respondent



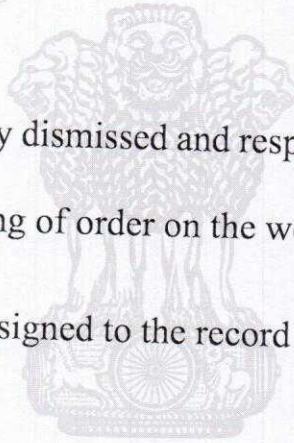
and to make him explicit that failure to file reply by stipulated time will render him liable to pay costs. So, the respondent cannot be allowed to seek waiver of the cost on the ground that Rules framed by appropriate government do not contemplate for imposition of costs on respondent on first date of appearance.

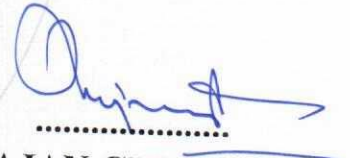
6. No other point was urged before the authority for waiver of cost.

7. The net result of above discussion is that no ground exists for waiving the costs is tenable and there is thus no scope but to dismiss the application filed for waiver of cost.

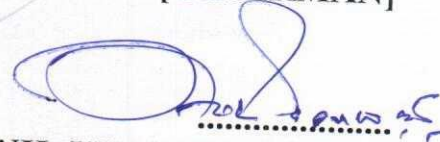
8. The application is accordingly dismissed and respondent is directed to deposit the costs within 45 days of uploading of order on the website of the Authority.

Disposed of. Files be consigned to the record room after uploading of this order of website.





RAJAN GUPTA
[CHAIRMAN]



ANIL KUMAR PANWAR
[MEMBER]



DILBAG SINGH SIHAG
[MEMBER]