

PROCEEDINGS OF THE DAY

Day and Date	Friday and 08.02.2019
Complaint No.	1177/2018 Case Titled As Tarun Kumar Bhateja & Other V/S M/S ABW Infrastructure Limited
Complainant	Tarun Kumar Bhateja & Other
Represented through	Ms. Priyanka Agarwal representative on behalf of the complainant.
Respondent	M/S ABW Infrastructure Limited
Respondent Represented through	None for the respondent
Last date of hearing	First hearing
Proceeding Recorded by	Naresh Kumari & S.L.Chanana

Proceedings
Project is not registered with the authority.

Since the project is not registered, as such, notice under section 59 of the Real Estate (Regulation & Development) Act, 2016, for violation of section 3(1) of the Act be issued to the respondent. Registration branch is directed to do the needful.

Arguments heard.

Complaint was filed on 16.10.2018. Notices w.r.t. reply to the complaint were issued to the respondent on 17.10.2018, 05.11.2018 and 29.11.2018. Besides this, a penalty of Rs.5,000/- and Rs.10,000/- was also imposed on 05.11.2018 and on 29.11.2018 for non-filing of reply even after service of notices. However, despite due and proper service of notices, the

respondent neither filed the reply nor come present before the authority. From the above stated conduct of the respondent, it appears that respondent does not want to pursue the matter before the authority by way of making personal appearance by adducing and producing any material particulars in the matter. As such, the authority has no option but to proceed ex-parte against the respondent and to decide the matter on merits by taking into account legal/factual propositions, as raised, by the complainant in his complaint.

A final notice dated 31.01.2019 by way of email was sent to both the parties to appear before the authority on 08.02.2019.

As per Delhi High Court order dated 4.7.2018, in Co.Pet.449/2016, titled as **Nitya Kukreja versus ABW Infrastructure Ltd.**, winding up order has been passed. The operative part of the order is as under:-

“in my opinion, the court has already ordered for winding up of the respondent-company and hence, the application cannot be considered. Even otherwise, keeping in view the objections of the petitioners, I do not deem it appropriate to transfer this petition to NCLT. The application is accordingly dismissed”.

Since the matter stands disposed by the Delhi High Court, it comes under the category of res judicata. File be consigned to the registry.

Samir Kumar
(Member)
8.2.2019

Subhash Chander Kush
(Member)