

**PROCEEDINGS OF THE DAY**

Day and Date	Friday and 08.02.2019
Complaint No.	1272/2018 Case Titled As Meenu Verma V/S M/S ABW Infrastructure Limited
Complainant	Meenu Verma
Represented through	Complainant in person with S/Shri A.K.Gupta and Satbir Verma, Advocates.
Respondent	M/S ABW Infrastructure Limited
Respondent Represented	<b>None for the respondent</b>
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 22.10.2018. Notices w.r.t. reply to the complaint were issued to the respondent on 23.10.2018, 13.11.2018 and 29.11.2018. Besides this, a penalty of Rs.5,000/- and Rs.10,000/- was also imposed on 17.10.2018 and on 01.12.2018 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)