



Complaint No. 36 of 2020

HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 36 OF 2020

Subhash Chand

...COMPLAINANT

VERSUS

M/s Ritwiz Builder & Developers Pvt. Ltd.

....RESPONDENTS

CORAM: Rajan Gupta
Dilbag Singh Sihag

**Chairman
Member**

Date of Hearing: 06.01.2022

Hearing: 9th

Present: None for the complainant
Mr. Vineet Sehgal, Id. Counsel for the respondent
through VC.

(Handwritten signature)

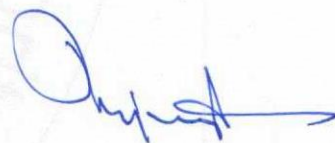
ORDER (DILBAG SINGH SIHAG-MEMBER)

1. While perusing the case file, it is observed that today is 9th hearing of the matter. Brief facts of the case were recorded in order dated 13.10.2020. Relevant part of the said order is reproduced below:

1. Complainant states that in 2005 he booked a plot in a township being developed by respondent whose possession was to be handed over within 36 months. But in 2009 he was informed by the respondent that they are developing a commercial project instead of township and that his unit was transferred into Code no. pf/007 and shop buyer executed between the parties on 11.07.2011. The respondent was under an obligation to hand over the possession of the unit within 36 months but he has failed to do so even after lapse of six years. Complainant had paid an amount of ₹29,70,921/- till 12.11.2012 which constitutes 92% of the total consideration. He avers that the respondent offered the possession of the unit in July 2017 accompanied with additional demand of ₹18,96,395/- which is illegal because he had made entire payments on time. Now, the respondent is refusing to give possession until the payment of said amount.
2. Learned counsel for the respondent raised an objection against maintainability of present complaint on the ground that a similar matter instituted by the complainant is pending adjudication before Permanent Lok Adalat, Faridabad. On 24.08.2021, complainant submitted that he has withdrawn his complaint from the said forum. He was directed to place on record the proof of such withdrawal.

3. Complainant has neither made his presence nor submitted any proof with regard to withdrawal of complaint even after affording several opportunities to submit the same. Learned counsel for the respondent stated that matter before Permanent Lok Adalat, Faridabad is still pending and fixed for hearing on 31.01.2022.

4. Since no proof has been filed by the complainant for withdrawal of matter pending before Permanent Lok Adalat, Faridabad, Authority holds that present complainant is not maintainable before this Authority for the reason that earlier instituted complaint on the same cause of action is pending for adjudication before a different Forum. Therefore, present case deserves to be dismissed with a liberty to the complainant to file afresh if desires so after withdrawal from the other forum. File be consigned to record room after uploading of order on the website of the Authority.



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RAJAN GUPTA
[CHAIRMAN]



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DILBAG SINGH SIHAG
[MEMBER]