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HARYANA REAL ESTATE REGULATORY AUTHORITY
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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY		12
Day and Date	Tuesday and 21.05.2024	
Complaint No.	MA NO. 232/2024 in CR/1686/2022 Case titled as Madhukar Mishra VS Emaar MGF Land limited	
Complainant	Madhukar Mishra	
Represented through	Shri Abhinav Sharma Advocate	
Respondent	Emaar MGF Land limited	
Respondent Represented	Ms. Shikha proxy counsel	
Last date of hearing	Application for restoration	
Proceeding Recorded by	Naresh Kumari and HR Mehta	

Proceedings-cum-order

The present complaint was dismissed in default by the Authority vide orders dated 20.02.2024 due to the non-appearance of the complainant despite one more and last opportunity given to him during earlier proceedings on 05.12.2023.

The applicant-complainant has moved an application dated 16.04.2024 for restoration of the present complaint stating that the complainant was under the bona fide belief that his case would be handled properly and professionally by the counsels who had been engaged by him. However the complainant had been kept in dark regarding the exact status of the complaint. Towards the end of February 2024, various attempts were made to contact the counsel to seek an update about the complaint, however, to the complainant's shock and surprise, no response was forthcoming from the counsel. Finally on 01.03.2024, when the order dated 20.02.2024 was uploaded on the website of the authority, the complainant was shocked to seek that the complaint has been dismissed due to non-appearance of the counsel. Such conduct for reasons best known to the counsel has caused great prejudice to the complainant for no fault of his. It is further submitted that he was under the reasonable belief that even if there were some previous absences, the counsel would not certainly not absent himself on last opportunity given by the



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MA/232/2024/CR/1686/2022

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Authority especially when the adjournments had been sought for appearance of the arguing counsel leading to the complainant believing that the counsel was preparing to argue against the respondent's contentions. Due to the above, the complainant was constrained to engage new counsel and briefed them for handling the matter which took some time. Immediately thereafter, the present application has been moved by the complainant for seeking restoration of the present complaint.

Application is dismissed as earlier multiple opportunities were given to the complainant and after non-appearance, the complaint was dismissed in default. File be consigned to the registry.

Ashok Sangwan
Member

Vijay Kumar Goyal
Member

Arun Kumar
Chairman
21.05.2024