



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2277 OF 2023

Anil Sharma

....COMPLAINANT

VERSUS

1. Geo Connect Limited
2. Ansal Housing Limited

....RESPONDENTS

CORAM: Nadim Akhtar
Chander Shekhar

Member

Member

Date of Hearing: 28.10.2024

Hearing: 4th

Present through VC: - Adv. Mayank Bhardwaj, counsel for complainant.

Adv. Gaurav Sharma, proxy counsel for Adv. Ashish Verma counsel for respondent.

ORDER (NADIM AKHTAR - MEMBER)

1. Relevant part of last order dated 29.07.2024 is reproduced below:

1. As per last date of hearing on 15.01.2024, respondent was directed to file reply in captioned complaint, subject to cost of ₹5000/- payable to the Authority and ₹2000/- payable to complainant in each complaint. However, no reply has been filed by respondent till date.
2. Adv. Mayank Bhardawaj appeared on behalf of complainant in the complaint and stated that several opportunities have already been granted to the respondent for filing reply. However, till date neither the reply is filed nor the cost is paid.
3. On the other hand, Adv. Gaurav Sharma, proxy counsel for respondent stated that the project in question has been mortgaged to the Bank and due to the said reason the delay has happened in filing the reply. He further stated that his vakalatnama will be submitted in the registry today itself.
4. Authority enquired about the status of the project in question as complainant is seeking relief of possession from the Authority. To which ld. counsel for complainant replied that it is just an empty land, with no basic amenities such as road, sewerage lines and water supply. However, he is not aware if respondent has been granted occupation certificate or completion certificate from the competent Authority or not? Even ld. counsel for respondent is not aware about the status of occupation certificate in the project. Ld. counsel for the respondent is directed to seek instructions from the respondent and file an affidavit in the Authority about the status of occupation certificate of the project in question in next two weeks time.
5. As today is the third hearing and no reply has been filed by the respondent in the captioned complaint, therefore, Authority deems it appropriate to struck off the defence of the respondent in the complaint.
6. Respondent is directed to pay earlier imposed costs before the next date of hearing.
7. In addition, perusal of files revealed that complainant has not placed on record complete receipts issued by the respondent of the paid amount.
8. Complainant is directed to file copies of all the receipts of payments made to the respondent, in the registry. In case, there are no receipts, then complainant has to file an affidavit stating therein the exact




amounts and dates on which the said amounts were paid by the complainant to the respondent duly supported with bank statement of account highlighting the dates of payments. Complainant is further directed to submit required documents with an advance copy supplied to the opposite party at least two weeks prior to the next date of hearing.

2. Ld. counsel for respondent stated that an appeal has filed by the respondent before Hon'ble Appellate Tribunal against order passed by the Authority on 27.09.2024. He further seeks some more time to file reply.
3. Authority enquired from the ld. counsel for respondent as to whether any stay has been granted by the Hon'ble Appellate Tribunal in captioned complainant. To which, he replied that that the appeal is yet to be listed for its first hearing.
4. Perusal of files reveals that complainant has not filed its receipts as ordered by the Authority in last hearing. Therefore, Complainant is again directed to file copies of all the receipts of payments made to the respondent, in the registry. In case, there are no receipts, then complainant has to file an affidavit stating therein the exact amounts and dates on which the said amounts were paid by the complainants to the respondent duly supported with bank statement of account highlighting the dates of payments. Complainant is further directed to submit required documents with an advance copy supplied to the opposite party at least two weeks prior to the next date of hearing. In



case complainant fails to place on record the receipts case will be decided on the basis of the available documents and records.

5. Since the Authority had already struck off the defense of the respondent in the previous hearing, Authority directs the respondent to confirm the status of the appeal filed before the Hon'ble Appellate Tribunal, specifically regarding whether a stay has been granted by the Hon'ble Tribunal. If no stay is granted, the respondent is granted a final opportunity to present arguments, and the matter will be decided on its merits on the next date of hearing.
6. Case is adjourned to 03.02.2025.


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CHANDER SHEKHAR
[MEMBER]


.....
NADIM AKHTAR
[MEMBER]