



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2404 OF 2022

Sanjay Sharma

....COMPLAINANT

VERSUS

1. BPTP Limited.
2. Countrywide Promoters Pvt. Limited.

....RESPONDENTS

CORAM: Dr. Geeta Rathee Singh
Chander Shekhar

Member
Member

Date of Hearing: 28.05.2024

Hearing: 6th

Present: - Sh. Arjun Kundra, counsel for complainant

Ms. Neha, counsel for respondents through VC

Sh. Himanshu Monga, counsel for respondents

Geeta Rathee

ORDER :


1. Ms. Neha, counsel for respondent sought adjournment on the ground that arguing counsel Mr. Hemant Saini is feeling feverish, therefore, he is unable to attend the proceedings. An email dated 27.05.2024 has also been received from respondent counsel requesting for adjournment in cases where matter are listed for argument as he has 10 appeals listed for arguments before Hon'ble Haryana Real Estate Appellate Tribunal.
2. Sh. Himanshu Monga, counsel for respondents apprised the Authority that an application was filed yesterday i.e. on 27.05.2024 for recalling of last order dated 20.02.2024, whereby respondent right of defence was struck off. Along with said application cost of ₹ 5000/- payable to complainant and cost of ₹ 10,000/- payable to Authority was annexed. He further stated that on the last date of hearing also reply was ready but due to non-payment of earlier imposed cost, reply was not filed. Today, reply will be filed in registry.
3. While perusing last order dated 20.02.2024, Authority observes that respondent was given ample opportunities to file reply, however respondent had failed to file the same till date. Relevant portion of the last order is reproduced below:


“ Today is the 5th date of hearing of the matter which was filed by complainant on 15.09.2022. Meaning thereby four opportunities stretching over a period of more than one year had already been granted to respondents to file reply. Vide last order dated 29.11.2023, respondents were given last opportunity to file reply

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by 08.12.2023 failing which defence of respondent was ordered to be struck off. Today, also respondent had failed to file reply on one or other pretext. In view, of such conduct deputed non-adherence to the directions issued by the Authority, Authority is constrained to struck of right of defence of respondent. Authority observes that proceeding before it, are summary in nature and if the respondent builder fails to file a reply even after period of almost one year and five months, it does not deserve any further opportunity. If the opportunity to file reply are made endless it shall defeat the whole purpose/objective of the RERA Act 2016, which was enacted with the intend to deliver speedy justice."

4. Respondent's request for adjournment is allowed. Respondent is directed to file reply today itself in registry, else same shall not be considered. Further last opportunity is granted to respondent to argue the case on merits failing which matter will be decided on the basis of available record.
5. Complainant is directed to collect demand draft amounting to ₹ 5000/- submitted by respondent within one week from registry.
6. Case is adjourned to **02.07.2024** for arguments, No further opportunity will be granted.


CHANDER SHEKHAR
[MEMBER]


DR. GEETA RATHEE SINGH
[MEMBER]