



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 2682 OF 2022

Ram Nath Kakkar

....COMPLAINANT

VERSUS

BPTP Ltd.

....RESPONDENT

**CORAM: Dr. Geeta Rathee Singh
Chander Shekhar**

**Member
Member**

Date of Hearing: 19.03.2024

Hearing: 6th

**Present: - Sh. V.P.Sangwan, counsel for complainant through VC
Sh. Hemant Saini, counsel for respondent through VC**

ORDER:

1. Captioned case was listed for hearing on 05.03.2024. However, due to the constitution of benches, case is being taken up today for hearing.

2. Sh. V.P.Sangwan, counsel for complainant stated that he has not received the copy of reply, therefore, requested the Authority to direct respondent to supply copy of reply to him.
3. Sh. Hemant Saini, counsel for respondent stated that reply along with an application was filed yesterday i.e. on 18.03.2023 in the registry with copy supplied to complainant. Although he agreed to supply soft copy of reply to counsel for complainant via email.
4. Further, on perusal of record, it is revealed that earlier reply was filed by respondent on 24.11.2023 in registry. Now, counsel for respondent had again filed reply yesterday i.e. on 18.03.2023 in registry along with an application.
5. On perusal of both replies filed by respondent on 24.11.2023 and 18.03.2023, Authority observes that respondent had earlier annexed affidavit of Sh. Sudhanshu Tripathi along with reply filed on 24.11.2023, which was neither signed nor attested. Now, in reply filed on 18.03.2023, respondent had filed an affidavit which is attested but not signed. Further, respondent has not annexed any board resolution authorising Sh. Sudhanshu Tripathi to act as an authorised representative for respondent-company.
6. In view of above circumstances, Authority directs respondent to clarify that why two replies have been filed by respondent and why in both replies unsigned affidavit have been attached. Authority observes that it

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becomes the usual practice of the builder/ respondent to file documents without following proper procedure of filing such documents. Respondents are hereby advised to be more vigilant to submit properly signed and attested documents failing which Authority will be constrained to impose exemplary cost upon respondent for non-compliance of the direction of the Authority and not following the proper procedure in filing documents.

7. To complete the pleadings, respondent is directed to file fresh signed affidavit along with copy of proper board resolution authorizing Sh. Sudhanshu Tripathi to be the authorised representative of respondent.
8. It is further observed that Adv. Sh. Hemant Saini, is appearing and representing on behalf of respondent, however his vakalatnama or power of attorney to represent the respondent company is not on record. Thus, respondents are directed to file both documents mentioned at para 6,7 and 8 of this order in the registry of Authority by Tuesday i.e. 26.03.2024.
9. Respondent is directed to supply copy of reply to counsel for complainant.
10. Lastly, respondent had already been directed vide order dated 27.04.2023 to pay earlier imposed cost of ₹ 5,000/- payable to Authority and ₹ 2000/- payable to complainant. Further, vide order dated 22.11.2023, respondent was directed to pay earlier imposed additional cost of ₹ 10,000/- payable to Authority and ₹ 5000/- payable to complainant.



11. As per office record, cost of 5,000/- payable to Authority stands paid by respondent. However, for cost of ₹ 2000/- payable to complainant vide order dated 27.04.2023, respondent had issued cheque of ₹ 2000/- in name of complainant dated 27.04.2023, which is now expired. Therefore, respondent is directed to collect the same from registry and pay the pending cost of ₹ 2000/- to complainant directly and submit payment proof thereof in the registry of Authority. Further, respondent is also directed to pay pending additional cost imposed vide order dated 22.11.2023 of ₹ 10,000/- payable to Authority by Tuesday i.e. on 26.03.2024 in registry and ₹ 5000/- payable to complainant be paid directly to complainant.
12. Case is adjourned to **02.07.2024** for arguments.


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DR. GEETA RATHEE SINGH
[MEMBER]


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CHANDER SHEKHAR
[MEMBER]