



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

1. COMPLAINT NO. 34 OF 2023

1. Ratana Mantoo
2. Ravinder Kumar Shahbadi
3. Ashwani Kumar Shahbadi

.....COMPLAINANTS

Versus

TDI Infrastructure Ltd

.....RESPONDENT

CORAM:

Nadim Akhtar
Chander Shekhar

Member
Member

Date of Hearing: 30.09.2024

Hearing: 6th

Present: Mr. Vikas Singh, Counsel for Complainant through VC.
Mr. Shubhnit, Counsel for the respondent through VC.

ORDER (NADIM AKHTAR-MEMBER)

1. Vide order dated 20.05.2024, Authority had observed as follows:-

“Perusal of aforesaid application reveals that allottee Ratana Mantoo has two surviving legal heirs, i.e., two son, out of which one is co-allottee in this case-Ravinder Kumar Shahbadi and another son is Ashwani Kumar Shahbadi. Present complaint has been filed for seeking refund of paid amount with interest but in whose favor, out of two legal heirs, said relief is sought not clarified in complaint. Moreover, second legal heir, i.e.,

Ashwani Kumar Shahbadi has neither been made party to complaint being legal heir of allottee nor any affidavit of his claim being given up qua unit in question in favor of Ravinder Kumar Shahbadi has been placed on record. Faced in this situation, Ld. counsel for complainant sought time to file proper power of attorney with better clarification in terms of two legal heirs. His request is accepted.

Complainant in his complaint claims to have paid an amount of Rs 37,92,555/- but proper receipt were not attached in support of it. Now as a proof of it, a statement of account is placed on record which is for Rs 37,95,705/-. Respondent is at liberty to file objections, if any against application filed by complainant in registry on 19.04.2024.

Complainant is directed to implead second legal heir Ashwani Kumar Shahbadi as necessary party to complaint and to file his power of attorney/affidavit for clarification of relief sought in favor of two legal heirs within next 3 weeks with an advance copy supplied to respondent.

Case is adjourned to 30.09.2024."

2. As per office record, complainant has placed on record application for impleading Mr. Ashwani Kumar Shahbadi as necessary party. Amended memo of parties has also been filed in registry on 25.09.2024. Said application is accompanied with an affidavit dated 28.06.2024, executed by Mr. Ashwani Kumar Shahbadi wherein he stated that he has no objection if any decree/amount is being issued in favor of Mr. Ravinder Kumar Shahbadi.
3. Since there is no document on record to verify the signatures of Mr. Ashwani Kumar Shahbadi and for better clarification of the case, Authority directs that two public documents bearing signatures of Sh. Ashwani Kumar Shahbadi be produced before Authority on next date of hearing so that signatures can be verified. Further, it is directed that Sh. Ashwani



Kumar Shahbadi shall appear personally or through video conferencing to confirm the fact that he has no objection to passing of decree of refund only in favor of Mr. Ravinder Kumar Shahbadi.

4. Case is adjourned to 02.12.2024 for arguments.


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CHANDER SHEKHAR
[MEMBER]


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NADIM AKHTAR
[MEMBER]