



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 686 OF 2024

Balwinder Kumar

....COMPLAINANT

Versus

1 Ms Alpha G Corp Development Pvt Ltd

2 Om Prakash Gagneja

.....RESPONDENT(S)

Coram:Dr. Geeta Rathee Singh

Member

Date of Hearing: 27.01.2026

Hearing: 4th

Present: Adv. Mohd Sartaj Khan, Ld. Counsel for the Complainant through VC.
Adv. Vikash Verma, Ld. Counsel for the Respondent no.1.
Adv. Arun Sharma , Ld. Counsel for the Respondent no. 2 through VC.

ORDER: DR. GEETA RATHEE SINGH -(MEMBER)

1. As per order dated 08.04.2025, respondent no.1 was directed to file a reply within three weeks with an advance copy supplied to complainant along with imposition of cost of Rs. 5000/- payable to the Authority and Rs. 2000/- payable to the complainant. Reply to captioned complaint has not been filed by respondent till date.
2. Respondent no.2 , i.e., Om Prakash filed an application dated 19.07.2024 for impleadment as a co-allottee instead of respondent no. 2. Accordingly, on the last date of hearing, i.e., 09.09.2025, complainant and respondent

no. 1 were directed to file reply to application dated 19.07.2024 before the next date of hearing. However, no reply to application by respondent no. 2 have been filed by complainant or respondent no. 1.

3. Instead, respondent no. 1 filed an application dated 16.05.2025 seeking rejection of the complaint on the ground of lack of jurisdiction as the project in which the alleged plot is situated has received Part Completion Certificate (PCC) before commencement of the RE(R&D)Act, 2016 and is thus beyond the ambit of the definition of ongoing project. With regard to this application, Authority observes that admitted the project received Part Completion Certificate and not Completion Certificate before commencement of the RE(R&D)Act, 2016 and this issue has been settled by the Hon'ble Supreme Court, in Newtech Promoters and developers Pvt. Ltd Civil Appeal no. 6745-6749 of 2021 where the project did not receive Completion Certificate at the time of commencement of RE(R&D)Act, 2016, the project is ongoing and is registered under Section 3 of the RE(R&D)Act, 2016. Relevant portion of the **Newtech Promoters and developers Pvt. Ltd Civil Appeal no. 6745-6749 of 2021** herein reproduced:

“ 37. Looking to the scheme of Act 2016 and Section 3 in particular of which a detailed discussion has been made, all “ongoing projects” that commence prior to the Act and in respect to which completion certificate has not been issued are covered under the Act. It manifests that the legislative intent is to make the Act applicable



not only to the projects which were yet to commence after the Act became operational but also to bring under its fold the ongoing projects and to protect from its inception the inter se rights of the stake holders, including allottees/home buyers, promoters and real estate agents while imposing certain duties and responsibilities on each of them and to regulate, administer and supervise the unregulated real estate sector within the fold of the real estate authority.”

4. Moreover, provisions of RE(R&D)Act, 2016 are not limited or confined to registered/ registrable projects. If there is any obligation pending as per agreement, allottee may file a complaint before the Authority for the redressal of their grievance. Hence, the present application dated 16.05.2025 is dismissed.

5. Authority further observes that the proceedings under the Real Estate (Regulation and Development) Act, 2016 are summary in nature and are required to be concluded in a time-bound manner. Despite grant of sufficient and repeated opportunities, respondent no.1 has failed to file its reply to the complaint till date. Respondent no.1 instead chose to file an application dated 16.05.2025 .Such conduct clearly reflects lack of diligence and results in avoidable delay in the adjudication of the complaint. In view thereof, and in order to prevent abuse of process of law and to ensure expeditious



disposal of the matter, the Authority is left with no option but to strike off the defence of the respondent no.1.

6. Authority again directs complainant and respondent no. 1 to file reply to application dated 19.07.2024 filed by respondent no. 2 before the next date of hearing. It shall be the last opportunity.
7. Case is adjourned to **21.04.2026.**



DR. GEETA RATHEE SINGH
[MEMBER]