

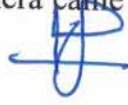
**Gaurav Kumar and another
Vs.
Ireo Waterfront Pvt. Ltd.**

RERA Registration No. PBRERA-LDH45-PR0052

Present Complainant alongwith Sh. Prabhjot Singh Sachdeva, Advocate.
None for the respondents.

The complainant filed a complaint on 02.01.2019 against Sh. Varun Khanna, Madhukar Tulsi, Rajiv Gupta and P.K. Wadhera but did not implead M/s. Ireo Waterfront Pvt. Ltd. as a respondent. Accordingly, notices were issued vide Memo No. RERA/Pb/Legal/965 Dated 06.02.2019 to the respondents with the direction to appear before this bench on 25.02.2019 for filing of reply with an advance copy to the complainant. On the fixed date of hearing no replies were received from the respondents and none appeared on their behalf. The complainant submitted alternate address of Madhukar Tulsi. Accordingly, reminder notices were issued to the respondents, including Madhukar Tulsi, on the alternate address both by way of email & registered post with the direction to appear on 18.03.2019, with an advance reply to both i.e. the complainant and this bench of Authority.

On 18.3.2019 the complainant submitted an application that he does not want to seek the relief of compensation and further prayed for hearing by this bench of Authority, as he had filed the complaint in form M and wanted to only pursue the relief of refund of amount alongwith interest. Accordingly, this bench accepted the prayer of the complainant and directed for issuance of reminder notices to the respondent, as last opportunity in the interest of justice, with the directions to appear on 11.4.2019. However, on 11.4.2019, the matter was adjourned for 14.5.2019 in view of official tour of the undersigned. On 14.5.2019 a representative from the respondents i.e. Sh. Varun Khanna, Madhukar Tulsi, Rajiv Gupta and P.K. Wadhera came alongwith an application



for striking off their names as respondents on the ground that they are neither the directors, nor the owners of the promoter company, to which the complaint pertains. The complainant was confronted with the facts mentioned in the application to which he could not give any satisfactory reply, as to why he gave the names of individuals as respondents, rather than the name of the promoter company.

The plea taken by the respondents was accepted and they were dropped as respondents. The complainant was directed to duly amend the complaint and cite the actual respondent as per the registration of the project with the Authority. The complainant agreed for the same and submitted an amended complaint against IREO Waterfront Pvt. Ltd., the promoter of the project to which the complaint pertains. A fresh notice to the amended respondent was issued for 25.06.2019 with the directions to submit a copy of the reply in advance. However, on 25.6.2019 the complainant, alongwith his counsel, appeared and made a submission that he now wants to once again seek compensation alongwith the refund of principal amount & interest and requested to transfer the case to Adjudicating Officer.

The conduct of the complainant has not been consistent right from beginning, as he is frequently changing his mind, both in seeking the relief as well as citing the respondents. This bench has already spent considerable amount of time in proceeding with the case. This conduct of the complainant is not desirable and is against the interest of justice. However, keeping in view the request of the complainant, the complaint is hereby dismissed as withdrawn. File be consigned to record room and copy of order be provided, free of cost, to both the complainant and the respondent.

SAS Nagar (Mohali)
Dated: 02.07.2019


(SANJIV GUPTA)
Member
RERA, Punjab

02/07/19