



HARYANA REAL ESTATE REGULATORY AUTHORITY, PANCHKULA.

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Extract of the resolution passed by the Haryana Real Estate Regulatory Authority, Panchkula in its meeting held on 16.09.2026.

Item No. 332.40

Orders dated 07.08.2026 received from Hon'ble Appellate Tribunal in Appeal No: 228 of 2025 titled as Jotindra Infrastructure Limited Versus Haryana Real Estate Regulatory Authority, Panchkula.

Present: Advocate Amrit via video conference

1. Orders dated 07.08.2026 have been received from Hon'ble Appellate Tribunal in Appeal No: 228 of 2025 titled as Jotindra Infrastructure Limited Versus Haryana Real Estate Regulatory Authority, Panchkula in which following orders has been passed:

"Present appeal is directed against order dated 19.02.2025 passed by the Authority at Panchkula. Despite repeated notices, respondent HRERA, Panchkula failed to appear. As a result, it was proceeded ex-parte vide order dated 09.07.2025. At the time of issuing notice on 03.06.2025, the contention was raised before this Bench that the impugned order had been passed by the Executive Director, HRERA, Panchkula, who had no authority to pass an order of this nature. Besides, no opportunity of hearing was afforded to the appellant before passing the order.

2. Faced with this situation, this Bench vide its order dated 26.08.2025, appointed Mr. Arnab Sharma as Amicus Curiae to assist this Bench. He has made his submissions today. As per him, the impugned order appears to be an extract of some resolution passed by the Authority, though he admits that judicial powers cannot be delegated to the Executive Director to decide the issue of this nature i.e. whether the benefit of delay occasioned due to the enforcement of GRAP III could be granted to the promoter. He submits that only the Authority is competent to decide such an issue. On being asked to show any order passed by the authority in this respect, he submits that no such order signed by a Coram of Members as envisaged by Section 34 of the Act, is available with him. On merits, he submits that force majeure is defined under Section 6 of the Act and scope of the same cannot be extended beyond the statutory provisions.

3. We have heard learned counsel for the parties.

4. We refrain from expressing any opinion on the merits of the case as the order, which we have before us, is signed by the Executive Director, HRERA, Panchkula. Since, no order signed by the Members of the Authority has been produced before us, we feel that the order under challenge is non est. As the case demanded a decision on legal issues, same should have been decided by the Authority after affording opportunity of hearing of the parties.



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5. *As this has not been done, the impugned order is unsustainable and is liable to be set aside. Matter is remitted to the Authority for a decision afresh.*

6. *Parties shall remain present before the Authority on 31.08.2026. The decision shall be taken at the earliest in any case not later than three months.*

8. *Copy of this order be sent to the parties/their counsel and the Authority.*

9. *File be consigned to the records."*

2. Vide orders dated 07.08.2026 in Appeal No. 228 of 2025, the promoter had been directed to remain present before the Authority on 31.08.2026. However, none appeared on behalf of the promoter on 31.08.2026. Since, no meeting of the Authority was scheduled for 31.08.2026, this matter was listed before the Authority on 02.09.2026.

3. On 02.09.2026, the Authority directed the office to place on record the orders and other relevant documents related to the matter before the Authority against which orders has been passed by the Hon'ble Tribunal.

It was also directed that promoter be informed via email regarding listing of the matter and representative of the promoter be present before the Authority on 16.09.2026.

4. In compliance of above, an email dated 10.09.2026 has been sent to the promoter regarding listing of matter and for presence before the Authority. The office has informed that the appeal has been filed against rejection of application dated 16.01.2025 wherein the promoter had requested the Authority for extension of the project bearing Reg. No. HRERA-PKL-FBD-171-2019 dated 18.10.2019 valid upto 09.09.2024. Covid Extension granted upto 09.06.2025 namely "Shree Homes (Phase II)- an Affordable Group Housing Colony on land measuring 4.681 acres in Sector 45, Faridabad, due to force majeure conditions of Graded Response Action Plan (GRAP) implemented by Commission for Air Quality Management in NCR. On 19.02.2025, considering the application of the promoter. The Authority had passed the following order vide Agenda Item No. 279.40:

"4. After consideration, the Authority is of the view that covid extension in view of force majeure has already been granted which is now valid upto 09.06.2025. Therefore, the request of the promoter to grant extension due to force majeure conditions of Graded Response Action Plan (GRAP) is hereby rejected. The promoter is directed to complete the project within the timelines declared to the Authority.

5. Disposed of."

5. The Authority had registered an affordable group housing colony measuring 4.681 Acres namely "Shree Homes (Phase II)" in Sector-45, Faridabad, vide Registration No. HRERA-PKL-FBD-171-2019 dated 18.10.2019 which was valid upto 09.09.2024 and thereafter following extensions were granted to the project mentioned above:



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1. Registration No. HRERA-PKL-FBD-171-2019 dated: 18.10.2019 which was valid upto 09.09.2024		
Extension	Extension granted upto	Reasons for seeking extension
On 23.10.2024, The Authority had granted extension for a period of nine months (as per Office Order dated 26.05.2020 and Resolution passed by the Authority on 02.08.2021 vide Item No. SPL-I)	09.06.2025	Force majeure event due to Covid-19.
On 17.12.2025, the Authority decided that registration of the project shall remain in force under Section 7(3) of the RERD Act, 2016.	31.12.2025.	Other grounds including GRAP
On 25.02.2026, the Authority decided that registration of the project shall remain in force under Section 7(3) of the RERD Act, 2016.	31.05.2026	Other grounds including GRAP.

6. In view of above facts and circumstances, it is observed that when the project was registered with the Authority, the promoter had itself declared its completion date on affidavit in Form REP-II which was 09.09.2024. However, the promoter failed to complete the same in the stipulated time. Thereafter, extension for a period of 9 months was granted to the promoter on account of COVID-19 in view of Office Order dated 26.05.2020 and Resolution passed by the Authority on 02.08.2021 vide Item No. SPL-I. The registration was extended upto 09.06.2025.

Thereafter, the promoter within the validity of the registration submitted an application dated 16.01.2025 for extension of registration of the project due to force majeure conditions of GRAP. The said application was rejected by the Authority on 19.02.2025. It is pertinent to mention that application dated 16.01.2025 submitted by the promoter was in the form of request to consider GRAP as force majeure, no formal application in the prescribed format as per the provisions of the RERD Act, 2016 was filed at that time. However, thereafter, vide application dated 09.06.2025 respondent promoter requested for further extension of the project u/S 7(3) of the RERD Act, 2016. Explanatory Note submitted by the promoter forming part of the application is reproduced hereinbelow:

"The Project has registered with Hon'ble Authority vide Registration No. HRERA-PKL-FBD-171-2019 dated 18.10.2019 for Project namely "Shree Homes Phase-2" an Affordable Group Housing Colony over an additional area measuring 4.681 Acres in Sector 45, Faridabad.



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Total 13 Towers had been included in the said RERA Registration bearing Tower No. 1 to Tower-12 & 14. The application for grant of Occupation Certificate for 5 tower (1 to 5) submitted to DTCP vide dated 25.10.2024.

The reasons for delay are mentioned as per below:

b) We have completed almost 70% of development works and the Project shall be completed within next 10 months period.

c) Construction works has been completed for the entire Project and finishing works is under progress.

d) At the time of registration of the project the Company had contemplated and envisioned that the project will be completed within 4 years from the date of registration. Considering the pace of development, it was estimated that the project would near completion in the next One & half year. However, due to certain facts and circumstances beyond the control of the Company such as implementation of GRAP resolution etc. the project could not be completed within the stipulated time period. Thus it has become imperative to throw light on the factors effecting the pace of the development of the project."

The Authority instead of revoking the registration, decided that the registration be continued under Section-7(3) of the RERA Act, 2016 upto 31.12.2025, considering the above stated reasons by the promoter including GRAP in its explanatory note.

Despite been granted the said extension, the promoter failed to complete the construction and development works and again applied for further extension of the project and stated that the project shall be completed within a period of next five months and the reasons for delay in project completion was again stated as "implementation of GRAP in the NCR". Taking a lenient view, the Authority again decided not to revoke the registration of the project and decided that registration of the project shall remain in force under Section-7(3) of the RERA Act, 2016 upto 31.05.2026.

6. It is observed that the Authority had already considered the effect of GRAP in NCR and allowed registration to remain in force under Section-7(3) of the RERA Act, 2016 for a period of approximately 12 months, i.e., from 09.06.2025 to 31.12.2025 and 31.12.2025 to 31.05.2026. Therefore, this present application dated 16.01.2025 submitted by the promoter for extension of the project due to GRAP implemented by Commission for Air Quality Management in NCR serves no purpose and cannot be considered, since, the similar grounds with respect to implementation of GRAP had already been considered alongwith other grounds while allowing registration to remain in force upto 31.12.2025 and 31.05.2026 respectively instead of revoking it for violation of Section-4(2)(I)(C) of the RERA Act, 2016.

7. It is also observed that on the date of passing this order the registration of the project has already lapsed and the promoter had not moved an application till date for further allowing the registration to remain in force. Accordingly the promoter is directed to move an



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appropriate application as per RERD Act and Rules made thereunder. Till then, the Promoter is directed not to advertise, market, book and sell any unsold inventory in the project.

8. As regards the contention of the respondent promoter M/s Jotindra Infrastructure Limited that the impugned order dated 19.02.2025 passed by the Executive Director, HRERA, Panchkula, who had no authority to pass such order, it is clarified that the order dated 19.02.2025 was passed by the Authority after considering the material on record. Thereafter, the same was only authenticated and communicated by the Executive Director in view of Section-38 read with Section-85 of the Real Estate (Regulation & Development) Act, 2016 and Regulation 8 of Haryana Real Estate Regulatory Authority, Panchkula, (General) Regulations, 2018 and is reproduced hereinbelow for reference:

Section 38: Powers of Authority

"38. (1) The Authority shall have powers to impose penalty or interest, in regard to any contravention of obligations cast upon the promoters, the allottees and the real estate agents, under this Act or the rules and the regulations made thereunder.

(2) The Authority shall be guided by the principles of natural justice and, subject to the other provisions of this Act and the rules made thereunder, the Authority shall have powers to regulate its own procedure..."

Section 85: Power to make regulations

"85. (1) The Authority shall, within a period of three months of its establishment, by notification, make regulations, consistent with this Act and the rules made thereunder to carry out the purposes of this Act..."

Regulation 8 of Haryana Real Estate Regulatory Authority, Panchkula, (General) Regulations, 2018

"(a) The Secretary/Executive Director shall be the principal executive officer of the Authority and shall exercise his powers and perform his duties under the control of the Authority..."

(c) In particular, and without prejudice to the generality of the provisions of sub-regulations (a) and (b) of this regulation, the Secretary shall have the following powers and perform the following duties, viz.:

- (i) he shall have custody of the records and the seal of the Authority...*
- (vi) he shall provide notice for meetings; prepare agenda for the meetings, and minute of proceedings of the Authority's meetings.*
- (vii) he shall authenticate the orders passed by the Authority.*

9. Disposed of.



True copy
Secretary (Acting),
HRERA, Panchkula

A copy of the above is forwarded to STP, HRERA Panchkula, for information and taking further action in the matter.

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