

**BEFORE THE HARYANA REAL ESTATE APPELLATE  
TRIBUNAL**

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**Appeal No.456 of 2021**

**Date of Decision: 09.02.2023**

Ms. Bhawana, Flat No.A1/102 Jalalpur City, Ramjaipal Path,  
near Ambedkar Dental College Patna-801503.

Appellant

Versus

1. Shri Harpreet Singh Batra, Managing Director, Imperia Structure Limited, A-25 Mohan Cooperative, Industrial Estate, New Delhi.
2. Shri Brajinder Singh Batra, Managing Director, Imperia Structure Limited, A-25 Mohan Cooperative, Industrial Estate, New Delhi.
3. Shri Sushil Kumar Singh, Regional Head, Regional Office, Imperia Structure Limited, situated at First Floor, Kanak Braj Complex, Boring Road, P.S. Budha Colony, Patna-800001, at present 201, Apurva Radha Complex, Boring Road, Patna-800013.
4. Smt. Shikha Singh, Broker, Regional Office, Imperia Structure Limited, situated at First Floor, Kanak Braj Complex, Boring Road, P.S. Budha Colony, Patna-800001, at present 201, Apurva Radha Complex, Boring Road, Patna-800013.
5. Shri Purushottam Kumar Singh, Sales Officer, Regional Office, Imperia Structure Limited, situated at First Floor, Kanak Braj Complex, Boring Road, P.S. Budha Colony, Patna-800001, at present 201, Apurva Radha Complex, Boring Road, Patna-800001.
6. Shri Raj Kumar Singh, Agent, Regional Office, Imperia Structure Limited, situated at First Floor, Kanak Braj Complex, Boring Road, P.S. Budha Colony, Patna-800001, at present 201, Apurva Radha Complex, Boring Road, Patna-800001.

Respondents

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**CORAM:**

Shri Inderjeet Mehta,	Member (Judicial)
Shri Anil Kumar Gupta,	Member (Technical)

**Argued by:** Ms. Bhawna-appellant, in person.

Shri Vaibhav Narang, Advocate & Ms. Sapna Khurana, Advocate, learned Counsel for the respondents.

**ORDER:**

**INDERJEET MEHTA, MEMBER (JUDICIAL):**

Feeling aggrieved by the order dated 09.07.2021, handed down by the learned Haryana Real Estate Regulatory Authority, Gurugram, (hereinafter called 'the Authority'), in Complaint No.CR/2757/2020, titled "Bhawna Vs. Imperia Structure Limited & Others", vide which, the complaint preferred by the appellant-allottee under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called 'the Act') seeking direction to the respondents/promoters to pay delayed possession interest to the appellant/allottee on the amount paid by her and compensation, and also to refund the excess amount received from the appellant, was dismissed, the appellant has chosen to prefer the present appeal.

2. The appellant/allottee in a project namely "Esfera" Gurugram, of Imperia Structure Limited/respondents, booked

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an apartment No.1103-D, admeasuring168.68 sq. meters. An 'Apartment Buyer's Agreement' was executed between the parties. The total sale consideration of the apartment was Rs.56,82,550/- out of which the appellant paid an amount of Rs.45,05,553 /- to the respondents. Since, possession was not delivered to the appellant within the stipulated period, she filed complaint seeking relief as mentioned in the opening para of this order.

3. The respondents contested the complaint by filing written reply wherein they denied the allegations of the appellant.

4. The learned Authority disposed of the complaint preferred by the appellant/allottee with the following impugned order:-

*"The complainant has filed the complaint seeking delayed possession charges. As per clause 10.1 of BBA dated 23.01.2020 the due date of delivery of possession comes out to be 23.07.2023. hence the complaint is pre-mature and the same is dismissed.*

*File be consigned to the registry."*

5. Hence, this appeal.

6. Undisputedly, the impugned order passed by the learned Authority is non-speaking order without recording any

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reasoning. It is settled preposition of law that an order passed by the quasi-judicial authority must be speaking one. The reasons in support of the order are required to be disclosed firstly, to grant an opportunity to the person aggrieved to demonstrate that the reasons for returning the findings are erroneous. Secondly, the obligation to record reasons operates as a deterrent against the possible arbitrary action by the Authority vested with judicial powers. The recording of reasons in support of a decision on the disputed claim ensures that the decision is not a result of caprice, whim or fancies but was arrived at after considering the relevant law facts and circumstances. The very requirement of giving reasons is to prevent, unfairness or arbitrariness in reaching the conclusion. The principle of natural justice also requires that the reasons are required to be recorded to arrive at the just conclusion. In fact, the reasons are soul of the order passed by the learned Authority exercising the judicial powers. Where the order passed by the quasi- judicial authority is bereft of reasons, it cannot be sustained in the eyes of law.

7. In view of the above, without commenting on the merits of the case, the appeal filed by the appellant is hereby allowed and the impugned order dated 09.07.2021 passed by the learned Authority is hereby set aside. The case is remanded to the learned Haryana Real Estate Regulatory

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Authority, Gurugram, for fresh trial/decision in accordance with law. The learned Authority is directed to expeditiously dispose of the complaint preferred by the appellant/allottee within a period of two months.

8. Parties are directed to appear before the learned Authority on 24.02.2023.

9. The copy of this order be communicated to the parties/learned counsel for the parties and the learned Authority for compliance.

10. File be consigned to the record.

Announced:  
February 09, 2023

CL

Inderjeet Mehta  
Member (Judicial)  
Haryana Real Estate Appellate Tribunal,  
Chandigarh

Anil Kumar Gupta  
Member (Technical)