

**BEFORE THE HARYANA REAL ESTATE APPELLATE  
TRIBUNAL**

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**Appeal No. 422 of 2022**

**Date of Decision: 03.05.2023**

Greenopolis Welfare Association, E-302 Anupam Apartments,  
East Arjun Nagar, Delhi-110032.

Appellant

Versus

1. M/s Lavender Infraprojects Private Limited, Flat No.14,  
Ground Floor, PulPehladPur, DDA MIG Suraj Apartment,  
New Delhi-110044.
2. M/s Orris Infrastructure Private Limited, C3/260,  
Janakpuri, New Delhi.
3. M/s Three C Shelters Private Limited, C-23, Greater  
Kailash Enc.1, New Delhi-110048.

Respondents

**CORAM:**

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

**Present:** Mr. Venket Rao, Advocate,  
for the appellant.

Mr. Raghav Narayan, Advocate,  
for respondent no.1.

Mr. Surjeet Bhadu, Advocate,  
assisted by Mr.Olson Nair, Advocate,  
Ms. Sanya Thakur, Advocate,  
for respondent No. 2.

Mr. Shivam Singh, Advocate,  
for respondent no.3 –IRP.

**Appeal No. 422 of 2022****ORDER:****RAJAN GUPTA, CHAIRMAN:**

Challenge in this appeal is to the order dated 25.03.2022 passed by learned Adjudicating Officer, Haryana Real Estate Regulatory Authority, Gurugram, whereby the property in question i.e. Hotel Plot bearing No.A-31a, District Centre, Nehru Place, New Delhi, was released from attachment as he found that none of the parties could show that the said plot was actually owned by M/s 3C Shelters Private Limited. He also observed that the conveyance-deed was in favour of M/s Lavender Infra Projects Private Limited i.e. the applicant seeking release of the property from attachment. Finding that the property was not actually owned by JD-2, he found that there was no reason to attach it.

2. The operative part of the order passed by the learned Adjudicating Officer reads as under:-

*“ Learned counsel representing DH objected the application. It is submitted by him that said property was attached on the asking of JD-2 i.e. M/s 3C Shelters Private Ltd. An affidavit was also filed by the latter, verifying that same was being dedicated voluntarily by JD-2. It was mentioned that JD was in the process of buying said plot on the basis of an agreement. All this is reflected in order dated 23.01.2019, passed by the Authority.*

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*None of parties could show that said plot was actually owned by M/s 3 C Shelters Pvt. Ltd. On the other hand, as mentioned above, conveyance deed is in favour of M/s Lavender Infra Projects Pvt. Ltd. (applicant). When, there is no evidence to show that said property was actually owned by JD-2, there was no reason to attach said property to realise decretal amount. Applicant appears to have good title over said plot. Application is thus allowed and order dated 03.10.2019 of the authority attaching said plot is hereby recalled.*

*It is contended by learned counsel for JD-2 (M/s Orris Infrastructure Pvt. Ltd.) that an application filed by his client is still pending for disposal. He requests for short adjournment for arguments on it. Not opposed by learned counsel for DH. Request is thus allowed.*

*To come up on 06.04.2022 at 2.00 p.m. (as requested) for arguments on said application and further proceedings.*

*Sd/-*

*(Rajender Kumar)*

*Adjudicating Officer*

*25.03.2022”*

3. On perusal of the aforesaid order, we find no legal infirmity in the same. We, thus, find no ground to interfere with the impugned order passed by the Adjudicating Officer. We may, however, clarify that the order dated 03.10.2019 passed by the Authority is not being touched by us as Hotel Plot bearing No.A-31a, District Centre, Nehru Place, New

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Delhi, which is bone of contention between the parties, is not mentioned in the same. In case, order dated 03.10.2019 passed by the Authority has attained finality, the same would continue to operate. During the proceedings, Mr. Shivam Singh, Advocate, counsel for 'Interim Resolution Professional' (for short 'IRP'), in the Insolvency Proceedings pertaining to M/s 3C Shelters Private Limited (respondent no.3 herein), is also present before us. He submits that possession of Hotel Plot bearing No.A-31a, District Centre, Nehru Place, New Delhi, has been taken over by the IRP by way of affixation after proper notice. As per him a report in this respect has been submitted before the National Company Law Tribunal (NCLT). This exercise, however, is seriously disputed by learned counsel representing the respondent no.1.

4. A query has been put to Mr. Venket Rao, whether this court can proceed any further with the matter with regard the attachment. He fairly submits that in view of statement on behalf of IRP, he needs to avail proper remedy.

5. Needless to say, the appellant always is at liberty to avail the remedy as per law.

6. The appeal stands disposed of accordingly. However, a report be sought from the Adjudicating Officer within two weeks of the proceedings, if any, after the order dated 25.03.2022 was passed. In view of the statement made

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on behalf of IRP before this Tribunal today (para3), counsel for the IRP would also submit report in the Registry within two weeks to show that possession of Hotel Plot bearing No.A-31a, District Centre, Nehru Place, New Delhi, has been taken over by the IRP.

7. Copy of this order be communicated to the parties/learned counsel for the parties and Haryana Real Estate Regulatory Authority, Gurugram.

8. File be consigned to the record.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Inderjeet Mehta  
Member (Judicial)

Anil Kumar Gupta  
Member (Technical)

03.05.2023  
CL