

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

Appeal No. 857 of 2022
Date of Decision: 29.05.2023

Occus Skyscrapers Realty Private Limited, 6th Floor, Ocus
Technoplis Building, Golf Course Road, Sector-54,
Gurugram, Haryana-122001.

Appellant

Versus

1. Meenakshi Kalra

2. Chanchal Simran Khera

Both the residence of House no. 562/7, Subhash Nagar,
Gurgaon, Haryana.

Respondents

CORAM:

**Justice Rajan Gupta
Shri Inderjeet Mehta**

**Chairman
Member (Judicial)**

Present: Mr. Lokesh Bholra, Advocate,
for the appellant.

Mr. Pankaj Kumar, Advocate,
for the respondent.

ORDER:

Rajan Gupta, Chairman (Oral):

In the instant appeal, appellant has posed the
challenge to order dated 15.11.2022 passed by the
Adjudicating Officer at Gurugram. Same reads as under:

*“Memo of Appearance filed by learned
counsel for respondent. He undertakes to file proper
PoA/Vakalatnama till next date.*

At the same time, learned counsel requests for adjournment to file written reply stating that correct copy of complaint was not sent to his client. Complaint no. has been wrongly written. Request for adjournment is objected by learned counsel for the complainant stating that correct copy of complaint has already been sent to the respondent.

Admittedly, copy of the complaint has already been delivered at address of the respondent. For the sake of adjournment, even if there was some mistake in mentioning complaint number. Copy of the complaint was of same complaint, as has been filed before this forum. No reason for adjournment. Defence of respondent is struck off. To come on 09.12.2022 for arguments.”

2. Learned counsel for the appellant submits that his defence has been struck off despite the fact that a complaint bearing no. 5530 of 2022 was furnished to the appellant. On the very first date of hearing, counsel for the appellant sought adjournment on the plea that correct copy of the complaint be supplied to him. This plea was, however, rejected and his defence was struck off.

3. Learned counsel for the respondent submits that order has been rightly passed by the Adjudicating Officer.

4.. However, on perusal of the order, we find that same is not only cryptic but does not assign any reason for striking off the defence on the first date of hearing by

observing that there was no ground for adjournment even there was a mistake in mentioning the complaint number.

5. We find substance in the plea of the appellant. In case, appellant is not permitted to file reply, it would not be able to take clear stand before the Adjudicating Officer and will not be able to rebut the pleas raised in the complaint.

6. Besides, we find that order is cryptic in nature. Under these circumstances, we set aside the impugned order and remit the matter to the Competent Authority below. Appellant shall be at liberty to file its reply within three weeks from date of entering appearance before the Adjudicating Officer.

7. Thus, appeal is allowed.

8. Parties to appear before the Adjudicating Officer i.e. on the next date of hearing i.e. 24.07.2023 before him.

9. Copy of this order be sent to the parties/counsel for the parties and the concerned Authority.

10. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Inderjeet Mehta
Member (Judicial)