

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

**Appeal No. 588 of 2022
Date of Decision: 10.08.2023**

Silverglades Infrastructure Private Limited, Registered Office:
404, Nirmal Tower, 26 Barakhamba Road, New Delhi-110001
Coprorate Office: 5th floor, Times Square Building, B-Block,
Sushant Lok Phase-1, Gurugram, Haryana through its
authorised representative Mr. Harsh Kumar Gupta.

Appellant

Versus

Atika Jain, R/o Sub-042, The Summit DLF City, Phase-V,
Sector-54, Gurugram.

Respondent

CORAM:

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

Present: Mr. Ashwarya Sinha, Advocate,
for the appellant.

Mr. Satyendra Kumar, Advocate,
for the respondent.

ORDER:

RAJAN GUPTA, CHAIRMAN (Oral):

Appellant has posed challenge to order dated
28.09.2021 passed by the Haryana Real Estate Regulatory
Authority, Gurugram (hereinafter referred to as 'the
Authority'). The order passed reads as under:-

“Proceedings

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No Builder Buyer Agreement has been signed inter-se the parties. Keeping in view the norms of good conduct behaviour, the complainant is directed to refund the amount after deducting 10% of the total sale consideration, as per the provisions of RERA Regulation No.11/RERA GGM Regulations 2018 dated 5th December, 2018. As such, the matter stands disposed of. File be consigned to the registry.

*Samir Kumar
Member*

*Vijay Kumar Goyal
Member
28.09.2021”*

2. The appellant has assailed the order inter alia on the ground that the Authority has granted relief to the respondent/allottee while complaint was filed by the promoter. According to him, this could not have been done as no complaint was preferred by the allottee before the Authority. Besides, the order is non-speaking and not reasoned one.

3. Learned counsel for the respondent, however, submits that the order is sustainable in nature. He claims to have filed reply to the complaint as well as counter claim and the impugned order was passed after considering the same.

3. We have heard learned counsel for the parties and given careful thoughts to the facts of the case.

4. A bare perusal of the order shows that same is cryptic in nature and not informed by elaborate reasoning. The facts of the case are not reflected anywhere in the order. A perusal of the order conveys the impression that the same is nature of "proceedings". There is nothing to show that the final order/decreed was to be passed on the said date.

5. We do not intend to express any opinion on the pleas raised by either counsel on merits of the case as we find that the order is unsustainable being short, non-speaking and cryptic. Under these circumstances, we set aside the impugned order dated 28.09.2021 and remit the matter to the Authority for decision afresh at the earliest, in any case, not later than two months after affording opportunity of hearing to both the parties. The appeal is allowed.

6. The amount of Rs.9,77,286/- deposited by the appellant/promoter with this Tribunal in view of proviso to Section 43(5) of the Act, along with interest accrued thereon, be sent to the Authority for disbursement to the appellant/promoter subject to tax liability, if any, as per law.

7. Copy of this order be communicated to the parties/learned counsel for the parties and the learned Authority for compliance.

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8. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)

10.08.2023
CL

Judgment-Haryana Real Estate Appellate Tribunal