

**BEFORE THE HARYANA REAL ESTATE
APPELLATE TRIBUNAL**

Appeal No. 198 of 2022
Date of Decision: 23.08.2023

Surender Kumar Village and Post Office Chandauli, Tehsil
& District Panipat.

Appellant

Versus

M/s Ansal Properties and Infrastructure ltd., 115, Ansal
Bhawn, 16, Kasturba Gandhi Marg, New Delhi.

Respondent

CORAM:

Justice Rajan Gupta
Shri Anil Kumar Gupta

Chairman
Member (Technical)

Argued by: Mr. Kamal Jeet Dahiya, Advocate,
for the appellant

Respondent already ex-parte.

ORDER:

Rajan Gupta, Chairman:

The Present appeal is directed against the order dated 31.08.2021 passed by the Haryana Real Estate Regulatory Authority, Panchkula (for short 'the Authority').

The operative part of the order reads as under:-

“3. After hearing both the parties and considering their contentions, Authority asked a specific question to the complaint to show his BPL Card and his name in the list made by government after resurvey conducted in Panipat as per orders of Hon’ble Punjab and Haryana High Court but complainant was unable to show

his name in the current resurveyed list. Now, Authority is of the view that complainant, though, was successful candidate in draw of lots conducted on dated 08.10.2012 but was subsequently found to be ineligible candidate under revised list made in compliance to the directions issued by Hon'ble Punjab and Haryana High Court in the CWP no. 1581 of 2010 titled as Pardeep Kumar Vs. State of Haryana vide order dated 25.11.2011. Therefore, the Authority decides to dismiss the present complaint on the ground that the complainant was not a BPL person as per revised list of the year 2012. His claim cannot be sustained on the basis of BPL list of 2007 which was later invalidated by way of re-survey conducted in furtherance of the orders of Hon'ble Punjab and Haryana High Court. Therefore, this complaint is dismissed being devoid of merits."

2. The complainant (appellant herein) applied for a dwelling unit in the EWS category in a project "Ansal Sushant City", at Panipat. He booked a dwelling unit by remitting an amount of Rs. 3290/- on 21.08.2008. As per the complainant, he was promised that he would be given offer of allotment letter within a period six months and possession would be given within three years from the date of allotment. However, on 07.07.2010, the complainant received a letter that as per the new policy published on 21.09.2009, the applicant was required to submit BPL card.

The complainant complied with this condition and submitted his BPL card showing that his name appeared at Sr. No. 18 in the BPL list along with BPL Ration card.

3. Mr. Dahiya, vehemently contended that despite the fact that the allottee complied with the directions given by the State Government, he was ousted from the category of allottee (s). According to him, the order passed by the Authority is unsustainable.

4. We have heard learned counsel for the appellant and have carefully examined the record.

5. It appears that in CWP No. 1581 of 2010 titled as Pardeep Kumar Vs. State of Haryana, the Hon'ble Punjab and Haryana High Court gave a direction for revision of the BPL list on the basis of a fresh survey. Admittedly, in the revised list, name of the complainant did not figure. As such letter dated 06.06.2014 (Annexure R-1) was issued informing the respondent that the allotment in his favour had been cancelled. Another letter dated 17.01.2017 was sent to the complainant along with refund of cheque of Rs. 3290/-. At the time of hearing of the matter before the Authority, the complainant was asked to show his BPL card after the fresh survey conducted by the Government under orders of the Hon'ble High Court. But complainant was unable to produce any such certificate. Consequently, the

Authority felt that claim of the complainant on the basis of fresh BPL list was not sustainable. We find no legal infirmity with the order. It is evident that in the fresh survey conducted by the Government pursuant to the directions given in CWP No. 1581 of 2010 BPL list of 2007 was invalidated. There is no ground to interfere our Appellate jurisdiction. Therefore, the appeal is hereby dismissed. Impugned order is upheld.

12. No order as to costs.

13. Copy of this judgment be communicated to both the parties/learned counsel for the parties and the Haryana Real Estate Regulatory Authority, Panchkula.

14. File be consigned to the record.

Announced:
August 23, 2023

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)

Rajni