

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

**Date of Decision: 21.08.2023**  
**Appeal No.08 of 2023**

Hamid Real Estate Pvt. Ltd., registered office at AIPL, Business Club, 5<sup>th</sup> Floor, Golf Course, Extension Road, Sector 62, Gurugram  
Appellant

Versus

1. Tek Chand Malohtra, the Peaceful Homes, House no.A064, Tower Bliss, Sector 70A, Gurugram Haryana 122101
2. Manjula Malhotra, the Peaceful Homes, House no.A064, Tower Bliss, Sector 70A, Gurugram Haryana 122101

Respondents

**CORAM:**

**Justice Rajan Gupta**  
**Shri Anil Kumar Gupta,**

**Chairman**  
**Member (Technical)**

Present: Ms. Tanya, Advocate,  
for the appellant

None for the respondent.

**ORDER:**

**RAJAN GUPTA, CHAIRMAN (ORAL):**

The present appeal is directed against order dated 10.10.2022. Order in question reproduced below for ready reference:-

*“Proceedings*

*As per learned counsel for complainant, three applications filed by him are pending for disposal. One is with prayer for appointment of local commissioner and second one with prayer for initiation of contempt of Court proceedings against respondent and third is for directions to respondent for production of documents.*

*Copies of entire documents sought by him would have supplied. He wants to amend the application*

*seeking directions to local commissioner stating so that learned counsel insists for directions to respondent to produce documents as sought by him by filing an application dated 17.03.2022.*

*Learned counsel for the respondent submits that it is the company-Secretary of respondent who maintains all the record of his client. Let Company-Secretary of respondent be called in person for next date alongwith documents mentioned in the application for next date.*

*To come up on 01.12.2022 for further proceedings.”*

2. A perusal of the order shows that the Company Secretary of the appellant-company who is stated to be conversant with the functioning of the company has been asked to appear before the Adjudicating Officer along with certain documents.

3. We do not find any legal infirmity with this order.

4. Learned counsel for the appellant, however, submits that all the documents sought for in the application moved by the Complainant would not be necessary for adjudication of the case. A query has, thus, been posed whether she can raise this plea before the Adjudicating Officer itself, she submits that she may be permitted to do so.

5. Learned counsel for the appellant is, thus, submits that she may be allowed to withdraw the present appeal with liberty to move appropriate application before the Adjudicating Officer to omit those documents from list which are not necessary for adjudication. This shall, however, be subject to the condition that the Company Secretary appears before the Officer on the date fixed.

6. Dismissed as withdrawn with aforesaid liberty.

7. Copy of this order be sent to the parties/learned counsel for the parties.
8. File be consigned to the record.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta  
Member (Technical)

21.08.2023  
Manoj Rana