

**BEFORE THE HARYANA REAL ESTATE
APPELLATE TRIBUNAL**

Appeal No.31 OF 2023 (O & M)
Date of Decision: 27.07.2023

Imperia Wishfield Pvt. Ltd. having registered office at
A-25, Mohan Cooperative Industrial Estate, Near
Sarita Vihar Metro Station, Mathura Road, New Delhi
110 044

Appellant

Versus

1. Shivali Ranga, having registered address at House
No.480, Sector 5, Gurugram Haryana 122 001;
2. Prahlad Singh Dhankar, having registered address
at House No.2272, Sector 46, Gurugram Haryana
122 003

Respondents

CORAM:

**Justice Rajan Gupta
Shri Inderjeet Mehta
Shri Anil Kumar Gupta**

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

Argued by: Mr. Rishi Kapoor, Advocate
for the appellant.

Ms. Tanika Goyal, Advocate, on behalf of
Mr. Mangesh Goel, Advocate,
for the respondents.

ORDER:

Rajan Gupta, Chairman:

Learned counsel for the appellant has moved an
application for impleadment before the Authority below which

Appeal No.31 OF 2023

has been rejected by the Authority vide its order dated 02.11.2022. Operative part of the order reads as under:

“In view of the fact that the allotment as well as payment was made prior to the alleged agreement and the same was done with the present respondent i.e. Imperia Wishfiled Private Limited hence, the application for impleadment of additional respondent is declined.

The respondent is directed to execute the BBA with the allottee before the next date of hearing.

Matter to come up on 06.01.2023 for further proceedings.”

2. Learned counsel for the appellant has vehemently contended that M/s Prime IT Solution Pvt. Ltd. is a necessary party being one of the promoters. According to him, licence No.47 of 2012 dated 12.05.2012 for setting up commercial colony over the said land for the project is in favour of M/s Prime IT Solution Pvt. Ltd. and is, therefore, a developer. The presence of said entity is necessary for just decision of the case.

3. Prayer has been opposed by learned counsel for the respondent.

4. We have considered the issue on the basis of facts and the arguments advanced.

5. We are of the considered view that there is no legal infirmity in the order passed by the Authority below. Complainant has impleaded appellant as necessary party

Appeal No.31 OF 2023

with whom agreement was entered into. Decision of the lis between them is pending before the Authority. Necessary parties are already before the Authority and have completed their respective pleadings. Application for impleadment of M/s Prime IT Solution Pvt. Ltd. appears to be only delaying tactic.

6. In our considered view, there is no such issue involved before the Authority in which the impleadment of the land owner would be necessitated.

7. Under these circumstances, we do not find any ground to interfere in the impugned order passed by the Authority.

8. The appeal is, thus, dismissed.

9. We hope and trust that the Authority shall endeavour to decide the matter expeditiously.

10. Copy of this order be sent to parties, counsel for the parties and the Authority Gurugram.

11. File be consigned the record.

Announced:
July 27, 2023

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

Manoj Rana