

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

Appeal No. 369 of 2023  
Date of Decision: 02.11.2023

M/s Aerens Gould Souk Projects Pvt. Ltd., Plot No.1, Shardah Niketan, Sarasvati Vihar, Pitampura, 34, New Delhi-110034.

...Appellant.

Versus

Rameshwar resident of village Allaudinpur, VPO Budhera, Tehsil Luhari, District Bhiwani (Haryana).

..Respondent.

**CORAM:**

**Justice Rajan Gupta  
Shri Anil Kumar Gupta**

**Chairman  
Member (Technical)**

Present: Mr. Shubnit Hans, Advocate,  
for the appellant

**O R D E R:**

**Rajan Gupta, Chairman (Oral):**

There is an application (CM No. 830 of 2023) under Section 5 of the Limitation Act for condonation of delay of 1516 days in filing the present appeal.

2. Mr. Hans, learned counsel for the appellant has referred to the ground on which condonation of delay is sought. According to him, licence No.54 of 2009 for developing the commercial complex was cancelled by DTCP, Haryana vide order dated 31.08.2016 and State of Haryana stepped into the shoes of the appellant in terms of Rule 19 of the Haryana Development of Regulation of Urban Development Rules 1976 (for short, 1976 Rules) and took over the project to resume construction.

3. Aggrieved by the said order, appellant preferred an appeal before the Additional Chief Secretary, Town and Country Planning. During the pendency of the appeal, respondent-allottee, namely, Rameshwar filed a complaint for refund of the amount deposited by him. Said complaint was allowed by the Haryana Real Estate Regulation Authority at Panchkula (hereinafter called 'the Authority') vide its order dated 22.01.2019.

4. Learned counsel for the appellant submits that their appeal for handing over the project back to them for construction remained pending before the Additional Chief Secretary was ultimately decided on 21.02.2022.

5. According to learned counsel, the appellant needs to be granted benefit of period during which the case of the appellant remained pending before the Additional Chief Secretary, Town and Country Planning.

6. We have perused the order dated 22.01.2019 passed by the Authority at Panchkula, wherein, complaint filed by respondent-allottee (Rameshwar) was allowed. Appellant figures as respondent No.1 in the array in the said order. It is inexplicable why the appellant was not prompt in filing appeal against the said order when it was well aware of the order passed against it.

7. As regards invocation of Rule 19 of 1976 Rules *ibid*; it was appellant's own fault, so it cannot be allowed to take benefit of its own mistake. Besides, pursuant to the impugned order dated 20.01.2019 passed by the Authority at Panchkula, executing proceedings were initiated by Rameshwar (respondent herein). An appeal was preferred against the issuance of recovery certificate by the appellant in the said proceedings. We dismissed the same vide our order dated 10.08.2023 in Appeal No.645 of 2022.

8. In view of above, we find no ground to condone the delay in filing the present appeal. Consequently, application (CM No. 830 of 2023) seeking condonation of delay is dismissed. The appeal is dismissed as well.

9. File be consigned to the record.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta  
Member (Technical)

02.11.2023  
Manoj Rana