

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**Appeal No.155 of 2024**  
**Date of Decision: 16.04.2024**

Mukesh Yadav resident of Apartment No.C2, 1803, Diplomatic Greens, Sector 110A and 111, Gurgaon, Haryana 122001

Appellant

Versus

1. HRERA, Gurugram registered office at F22J+PJ6, PWD Guest house, Old Railway Road, Civil Lines Gurugram, Haryana 122001;
2. M/s Puri Constructions Pvt. Ltd., 4-7B, Ground Floor, Tolstoy House, 15 & 17, Tolstoy Marg, New Delhi 110001
3. M/s Diplomatic Greens Residents Welfare Associations, Sector 110A & 111, Gurugram, Haryana 122017

Respondents

**CORAM:**

**Justice Rajan Gupta**

**Chairman**

Present: Mr. Kamaljeet Dahiya, Advocate,  
for the appellant.

None for respondent Nos.1 & 3.

Mr. Aashish Chopra, Senior Advocate assisted by  
Mr. Yash Pal Sharma, Advocate,  
for respondent No.2.

**ORDER:**

**RAJAN GUPTA, CHAIRMAN:**

Appellant, who claims himself to be the Vice President of the 'Diplomatic Greens Resident Welfare Association' and according to him, the same is duly registered.

2. Challenge is posed in this appeal to order dated 19.02.2024 passed by the Authority at Gurugram. Operative thereof reads as under:-

*“The AR of the promoter states that the company has applied for RC in respect of the Phase B approved by DTCP in the Building Plans for an area admeasuring 5.41 Acres and earlier this portion of land was also reserved for further expansion. The OC in respect of Phase-A admeasuring 15.60 acres already stands obtained on 29.08.2016 before commencement of the Act, 2016. The AR further states that all the services and facilities of the Phase-B shall be independent of the earlier phase already handed over to the RWA after filing DOD. The environment clearance has already been recommended by the committee and vide letter dated 23.01.2024, the Member Secretary of SEIAA Haryana has conveyed to consider the approval after appointment of Chairperson of SEIAA, Haryana. In view of the same, the authority grants four months’ time for submission of approved Environment Clearance failing which the penal proceedings including freezing of accounts shall be initiated. The re-validated Mining permission shall also be submitted before start of excavation/construction.*

*Approved as proposed.*

3. Notice of the appeal was issued vide order dated 02.04.2024. It was observed in the order that the approval for registration had been granted despite certain deficiencies pointed out by the Committee constituted for the purpose. Same are reproduced hereunder for ready reference:

25.	Remarks	<p><i>1. The annexures in the online application are not uploaded as well as the correction needs to be done in the online (A-H) application.</i></p> <p><i>2. Online DPI needs to be revised.</i></p> <p><i>3. Environment Clearance needs to be submitted.</i></p> <p><i>4. Pert Chart needs to be revised.</i></p>
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		<i>5. Re-validated mining permission needs to be submitted.</i>
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4. In view of above, it was directed that further proceedings pursuant to order dated 19.02.2024 may be kept in abeyance.

5. On the next date of hearing, detailed affidavit was filed on behalf of respondent No.2. Affidavit was taken on record vide order dated 10.04.2024. In para No.11 thereof, it was stated that objections No.1, 2 and 4 pertaining to Annexures A to H, online DPI and Pert Chart were removed straight away. As regards the environment clearance, same had been sought well in time and the concerned committee had recommended vide letter dated 23.01.2024. However, same was likely to be granted after appointment of Chairman, SEIAA. As regards re-validation of mining permission, stand of the promoter is that same is issued by the competent Authority only after grant of environment clearance. In the order, the Authority has imposed a condition regarding submission of re-validation of the mining permission. It has also been stated in the affidavit as far as IFMS is concerned, the Authority has directed forensic audit of maintenance expenses by Chartered Accountant and same stands concluded. This matter is now pending consideration of the Authority.

6. Having heard learned counsel for the parties and perusing the record, this Bench of the considered view that there is no infirmity with the order passed by the Authority at Gurugram. A perusal of the order shows that it has granted four months time to respondent No.2 for submitting environment clearance, failing which, penal proceedings

including freezing of accounts would be initiated. It has also directed that before starting of excavation/construction at the site, revalidated mining permission would be submitted. Thus, impugned order has been passed subject to certain stringent conditions. Under these circumstances, no interference in appellate jurisdiction is required. The appeal, thus, deserves dismissal.

7. Ordered accordingly.

8. Certain questions have also been raised in the affidavit regarding *locus standi* of the appellant to impugn order dated 19.02.2024. This Bench is, however, not inclined to express any opinion on this issue as the appeal is being dismissed on merits.

9. File be consigned to the records.

Announced:  
16.04.2024

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Manoj Rana