

**BEFORE THE HARYANA REAL ESTATE APPELLATE  
TRIBUNAL**

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**Appeal No.708 of 2022**

**Date of Decision: 14.05.2024**

Smt. Sushila Jain, House No.82, Sector 17, Faridabad, Haryana-121002.

Appellant

Versus

Adore Realech Private Limited, IF-22-26, Ozone Center, Sector-12,  
Faridabad, Haryana-121007

Respondent

**CORAM:**

Justice Rajan Gupta                      Chairman

**Present:** Mr. Lokesh Jain, Advocate,  
for the appellant.

Mr. Rohan Gupta, Advocate,  
for the respondent.

**ORDER:**

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

Present appeal is directed against the order dated-  
19.07.2022 passed by the Authority. Operative part thereof reads as  
under:-

“8. Authority is of the view that complainant is liable to pay all these charges as per terms and conditions of builder buyer agreement was executed between parties with their free consent and now complainant cannot dispute these charges. Therefore, Authority is unable to accept the contentions of the complainant and thus this case is dismissed and disposed of.

9. Case is disposed of. File be consigned to the record room after uploading of order on the website of the Authority”

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2. At the outset, learned counsel for the appellant has pointed out that the Authority at Panchkula has taken different views in two matters of similar nature. Complaint no. 849 of 2020 was preferred by Sandhya Gupta, wherein the Authority held that no additional charges were payable by the allottee except taxes. In the instant case i.e. complaint no. 525 of 2020, however, the Authority came to the conclusion that additional charges were payable by the allottee.

3. Aforesaid contentions are not controverted by Mr. Rohan Gupta, counsel appearing for the respondent. He, however, submits that the matter relates to Affordable Housing Policy and additional amount sought to be charged are of Rs.1,96,00,000/- (odd).

4. Admittedly, allottee is in possession of the unit since the year 2021. In view of the divergent views taken on the same issue by the Authority below, counsel for the appellant submits that the matter may be remitted to the Authority for decision afresh. This prayer has not been opposed by counsel opposite.

5. Under these circumstances, order under challenge is set aside. Matter is remitted to the same authority for decision afresh within three months of the receipt of this order.

6. In view of the delay already occasioned in the matter, the authority shall be at liberty to decide the matter expeditiously by giving short dates.

7. Needless to observe that the Authority shall decide the matter afresh after taking into consideration the facts of the case and legal issues involved.

8. The appeal stands allowed of in view of the aforesaid observations.

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9. Parties are directed to appear before the learned Authority on 30.05.2024.
10. Copy of this order be sent to the parties/learned counsel for the parties and the Haryana Real Estate Regulatory Authority, Panchkula.
11. File be consigned to the records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

14.05.2024  
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