

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.663 of 2021

Date of Decision: 10.12.2024

Bharat Jain son of Mr. Johri Lal Jain, resident of Flat No. 133,
Pocket-G, Maharaja Agrasen Marg, near Gurdwara, Sarita Vihar,
Delhi-110076

Appellant

Versus

Gupta Promoters Pvt. Ltd., 4 Ground Floor, Global Fortune
Arcade, Mehrauli Gurgaon Road, Gurgaon

Respondent

CORAM:

Justice Rajan Gupta

Chairman

Rakesh Manocha

Member (Technical)

Present : Mr. Nitin Kant Setia, Advocate for the appellant.
Mr. Ashish Chopra, Senior Advocate with
Mr. Vaibhav Sharma, Advocate for the
respondent (joined through VC)

O R D E R:

RAJAN GUPTA, CHAIRMAN (ORAL):

The present appeal is directed against the order dated 30.09.2021, passed by the Authority¹. The same reads as under:

“Arguments heard.

Counsel for the respondent has stated at bar that the occupation certificate has already received on

¹ Haryana Real Estate Regulatory Authority, Gurugram

01.08.2014 from the competent authority and offer of possession has been given on 19.08.2014 which is much prior to existence of RERA Act 2016. As such, the present complaint is dismissed being not maintainable. File be consigned to the registry.”

2. Mr. Setia submits that a perusal of the order would show that the same is cryptic and against law.

3. Mr. Chopra, on the other hand, submits that a perusal of the order shows that Occupation Certificate was received on 01.08.2014 and offer of possession was made immediately thereafter, i.e. on 19.08.2014. As per him, the allottee took the possession in August, 2019. On instructions from Mr. Rohit Harbola, authorised representative of the promoter, he submits that the promoter is also ready to execute the conveyance deed. As per him, in view of this statement, no *lis* survives in this appeal.

4. Mr. Setia, however, insists that the order passed by the Authority is non-speaking and if a reasoned order containing determination of issues on facts is passed, that would satisfy the requirements of principles of natural justice.

5. On perusal of the order, we do not intend to express any opinion on the merits thereof in view of rival contentions. However, it would be in the interest of justice if a detailed order is passed by the Authority in order to satisfy the requirements of law and factual aspects are also taken into consideration.

6. In these circumstances, we set aside the impugned order and remit the matter to the Authority below for decision afresh after affording opportunity of hearing to both the parties. It is expected that the Authority shall make every endeavour to decide the matter as expeditiously as possible.

7. The appeal is disposed of in the aforesaid terms.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)

10.12.2024.
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