

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Date of Decision: January 10, 2025

(1) Appeal No. 377 of 2023

Haryana Shehri Vikas Pradhikaran, C-3, Sector 6, Panchkula

Appellant.

Versus

Lovleen, Flat No. C-11, Saket Courts Residential Complex, Saket,
New Delhi

Respondent

(2) Appeal No. 378 of 2022

Lovleen, C-11, Saket Court Residential Complex, Saket, New
Delhi

Appellant.

Versus

Haryana Shehri Vikas Pradhikaran (erstwhile Haryana Urban
Development Authority) through Estate Officer, Haryana Shehri
Vikas Pradhikaran, Panchkula, Haryana.

Respondent

Present : Mr. Rajan Arora, Advocate for the appellant-HSVP
Mr. Pryavarat Prashar, Advocate for allottee-Lovleen

CORAM:

Justice Rajan Gupta
Rakesh Manocha

Chairman
Member (Technical)

ORDER:

RAJAN GUPTA, CHAIRMAN

By way of this order, two appeals directed against
the same order are being decided together.

2. While the allottee has challenged the order passed by the Adjudicating Officer¹ granting compensation of Rs.11,21,965/- to him, HSVP² has preferred the appeal stating that HSVP (erstwhile Haryana Urban Development Authority) never came within the purview of the 2016 Act³. As per him, this plea was raised before the Authority below but no decision has been taken thereon. He thus, submits that the matter needs to be remitted to the same Authority for decision afresh on this issue.

3. Learned counsel for the respondent-allottee submits that compensation has rightly been granted by the Authority to the allottee. However, he admits that there is no clear finding in the impugned order on the question of jurisdiction of the RERA Authority over HSVP.

4. A perusal of the order shows that a plea was raised by HSVP that the complaint made by the allottee before the Authority was outside the purview of powers vested in the Authority under the 2016 Act, the objective of 2016 Act being altogether different that of Haryana Shehri Vikas Pradhikaran Act, 1977. As per the counsel, 2016 Act has been enacted to regulate the real estate sector while the 1977 Act intends to protect the right of consumer by an internal mechanism. In case of any grievance, the aggrieved party may only have the remedy before the writ court.

¹ Adjudicating Officer, Haryana Real Estate Regulatory Authority, Panchkula

² Haryana Shehri Vikas Pradhikaran

³ The Real Estate (Regulation and Development) Act, 2016

5. Learned counsel are *ad idem* that no finding whatsoever has been given by the Authority on the aforesaid contentious issue.

6. In view of the above, their prayer for remitting the matter to the same Authority for decision afresh after affording adequate opportunity to them is accepted.

7. The appeal filed by HSVP (Appeal No. 377 of 2023) is allowed in these terms. The other appeal (Appeal No. 378 of 2022) is disposed of accordingly. The amount of pre-deposit made along with Appeal No. 377 of 2023 be remitted to the Authority to be retained by it till the decision of the issue. It shall make endeavour to decide the issue as expeditiously as possible, in any case not later than three months.

8. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)
(Joined through VC)

10th January, 2025
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