

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

Appeal No.941 of 2024

Date of Decision: January 18, 2025

TDI Infrastructure Pvt. Ltd. Registered office at Second Floor, Mahindra Tower, Unit NO.2A, Second Floor, Kaj Cama Place, New Delhi 110066,

..Appellant

Versus

HRERA, Panchkula office at Mini Secretariat, New Officer Block, (2nd and 3rd Floor) Sector 1, Panchkula, Haryana 134114.

Respondent

**CORAM: Justice Rajan Gupta
Shri Rakesh Manocha**

**Chairman
Member (Technical)**

Argued by: Mr. Shubnit Hans Advocate
for the appellant.

:O R D E R:

RAJAN GUPTA, CHAIRMAN

Challenge in the instant appeal is to order dated 09.10.2024 passed by the Authority¹. Operative part thereof reads as under:

“6. Authority observes that as per New Tech judgment, Hon’ble Supreme Court has settled the law that all statutory compliances are to be made by the developers till receipt of completion certificate. In the present case, promoter has received only part completion certificate and not the completion certificate. Hence, Authority decided that entire area is registrable.

7. Authority further decided that LC be appointed to know the status of 171.15 acres of area.

8. Adjourned to 11.12.2024.”

¹ Haryana Real Estate Regulatory Authority at Panchkula

2. The appellant has challenged the aforesaid order on the ground that the Authority has no power to review its earlier order and to hold that the entire area was registrable and to appoint a Local Commissioner to find out the status of 171.15 acres.

3. In our considered view, this plea has no merit. The earlier application was merely withdrawn by the promoter with a condition to get registration before advertisement/sale. In view of this, registration fee deposited by the promoter was refunded after deducting 5% charges. In its fresh order, the Authority has acted as per law laid down in **M/s Newtech Promoters and Developers Pvt. Ltd. v. State of UP, 2022(1) RCR (Civil) 367** and observed that the project is registrable. It, thus, appointed Local Commissioner to find out the status of 171.15 acres. In our view, the promoter cannot raise any grievance either against registration of the project or appointment of Local Commissioner.

4. The plea that the Authority has resorted to review its order is misconceived. The Authority being regulatory body has to act as per law and it can even invoke its *suo-moto* powers when the promoter seeks to proceed further with a project. It has to ensure that at this stage, the promoter acts in accordance with the provisions of the Real Estate (Regulation and Development) Act, 2016 rules and regulations made thereunder.

5. As the action of the Authority appears to be in consonance with the law laid down in **M/s Newtech Promoters and Developers Pvt.Ltd.'s** case (supra), no interference in its action is called for.

6. The appeal is dismissed.

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7. File be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)

January 18, 2025
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