

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.35 of 2022

Date of Decision: 4th December, 2024

Ashok Kumar Jain (HUF) C-104/Opposite Mother Dairy,
Mianwali Colony, Gurugram-122001

Appellant.

Versus

Supertech Limited, registered office at 1114, 11th Floor,
Hemkunth Chamber, 89, Nehru Place, New Delhi-110019

Respondent

Present : Mr. Rishabh Jain, Advocate for the appellant.
None for the respondent.

CORAM:

Justice Rajan Gupta

Chairman

O R D E R:

RAJAN GUPTA, CHAIRMAN (ORAL):

Challenge in the present appeal is to the order dated 15.09.2021 passed by the Authority¹ disposing of the execution petition by merely relying upon the compliance certificate tendered by the Judgment Debtor. Same reads as under:

“Compliance certificate has been tendered by the counsel for the JD which has been placed on record. As such, the matter stands disposed of. File be consigned to the registry.”

2. Counsel for the appellant at the out-set submits that the order is cryptic and does not show in what manner the

¹ Haryana Real Estate Regulatory Authority, Gurugram.

order passed by the Authority has been complied with. As per him, calculations submitted by the appellant have not been considered, even possession of the unit has not been handed over. He further contends that the executing court has not followed the procedure as laid down by law. Mere reliance on the compliance certificate tendered by the Judgment-Debtor would not suffice as the executing court is required to satisfy itself that there has been strict compliance of the order passed by the Authority.

3. The respondent remains unrepresented. Similar was the situation on last two dates of hearing.

4. On due consideration of the matter, this Bench finds substance in the plea of the appellant. While deciding an issue, the court is bound to give reasons for its conclusion. It is the duty and obligation on the part of the court to record reasons while disposing of the case. The reason is the heartbeat of every conclusion. Reasons substitute subjectivity with objectivity. The absence of reasons renders an order indefensible/unsustainable particularly when the order is subject to further challenge before a higher forum. Recording of reasons is the principle of natural justice and every judicial order must be supported by the same. The order under challenge is not supported by legal justification that align with statutory provisions or established legal principles. Besides, the order is wholly cryptic and non-speaking.

5. The same is set aside and the matter is remitted to the Authority for decision afresh after affording opportunity of hearing to the parties.

6. The appeal is allowed in the manner indicated above.

7. File be consigned to records.

8. Copy of the order be communicated to the Authority.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

December 04, 2024.
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