

M/s Dhingra Jaradine Infrastructure Pvt. Ltd.
Vs.
HRERA, Panchkula
Appeal No.256 of 2019

Present: Shri Anil Gupta, Advocate, counsel for the appellant.
Shri Vivek Sethi, Advocate for Shri Sanjeev Dhingra.
None for Dhingra Jaradine Suburban Floors Resident
Welfare Association.

Shri Vivek Sethi, Advocate has filed an application under Order 1 Rule 10 C.P.C. for impleading Sanjeev Dhingra as respondent no.2. Copy supplied to the learned counsel for the appellant.

2. The present appeal has been preferred against the order dated 18.03.2019 vide which the application moved by the appellant for grant of registration has been dismissed by the learned Haryana Real Estate Regulatory Authority, Panchkula (hereinafter called 'the Authority') on the ground that Shri Manveer Singh Oberoi was not the competent person to get the project registered.

3. We have heard learned counsel for the appellant.

4. As per Section 4 (2) (c) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called 'the Act') it is a condition precedent for registration that the promoter must have the valid approvals and commencement certificate from the competent authority obtained in accordance with laws as may be applicable for the Real Estate Project mentioned in the application.

5. It is an admitted fact that the approval/licence of the appellant/developer has already expired on 12.04.2019 and the same has not been renewed so far. The application for renewal of the licence is stated to be pending. We have given sufficient time to the appellant to get the requisite approvals but learned counsel for the appellant has very fairly stated that the application is still pending with the competent authority and the approval/renewal has

not been granted so far. Thus, once the appellant does not fulfil the condition for registration as provided under Section 4 of the Act, we are not in a position to issue direction to the learned Authority for registration of the project. Consequently, the present appeal is hereby dismissed.

6. The application moved by Shri Sanjeev Dhingra for impleading him as respondent no.2 has become infructuous and is disposed of as such.

7. File be consigned to records.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh
05.12.2019

Inderjeet Mehta
Member (Judicial)
05.12.2019