

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Date of Decision: July 15, 2025

(1) Appeal No.396 of 2024

GLS Infraprojects Pvt. Ltd., having its office at 311, 3rd Floor,
JMD Pacific Square Sector 15, Part 2, Gurugram through its AR
Sh. Pankaj Sharma

...Appellant

Versus

Haryana Real Estate Regulatory Authority, Gurugram through its
Administrative Officer (Petitions)-cum-Registrar, at New PWD
Guest House, Civil Lines, Gurugram

... Respondent

(2) Appeal No.398 of 2024

GLS Infraprojects Pvt. Ltd., having its office at 311, 3rd Floor,
JMD Pacific Square Sector 15, Part 2, Gurugram through its AR
Sh. Pankaj Sharma

...Appellant

Versus

Haryana Real Estate Regulatory Authority, Gurugram through its
Administrative Officer (Petitions)-cum-Registrar, at New PWD
Guest House, Civil Lines, Gurugram

... Respondent

(3) Appeal No.399 of 2024

GLS Infraprojects Pvt. Ltd., having its office at 311, 3rd Floor,
JMD Pacific Square Sector 15, Part 2, Gurugram through its AR
Sh. Pankaj Sharma

...Appellant

Versus

Haryana Real Estate Regulatory Authority, Gurugram through its
Administrative Officer (Petitions)-cum-Registrar, at New PWD
Guest House, Civil Lines, Gurugram

... Respondent

CORAM:

Justice Rajan Gupta
Mr. Rakesh Manocha

Chairman
Member (Technical)

Present: Mr Gaurav Jaglan, Advocate for the Appellant.
Mr. Siddhant Arora, Advocate for the respondent-Authority.

O R D E R:

JUSTICE RAJAN GUPTA, CHAIRMAN

This order shall dispose of above mentioned three appeals, as common question of law and facts are involved therein. However, the facts have been extracted from Appeal No. 396 of 2024.

2. The present appeal is directed against order dated 09.02.2024 passed by the Secretary to Authority at Gurugram¹. Operative part thereof reads as under:

“4. Since the promoter failed to submit the approval of service plans and estimates within the specified timeline of three months as per condition of the registration certificate dated 29.05.2023, a show cause notice dated 21.08.2023 was issued to the promoter, and various opportunities of hearing were provided on 22.08.2023, 22.09.2023, 15.12.2023, and 02.02.2024.

5. The Authority, in its meeting dated 01.01.2024, decided that compliances by the promoter must be made without fail within the timeline of conditional registration, failing which the BG/security be forfeited.

6. Further, in the proceedings dated 02.02.2024 in the suo-motu complaint no. RERA-GRG-3874-2023, it was decided to forfeit the security submitted in lieu of timely submission of the approved service plans and estimates in the Authority since the approval is obtained with a delay of 146 days from the stipulated time period.

7. Keeping in view the above, the security amount of Rs. 25 lacs deposited by the promoter in lieu of the timely submission of the approved service plans and

¹ Haryana Real Estate Regulatory Authority, Gurugram

estimates is hereby forfeited in favour of the Authority.

3. Counsel for the appellant has assailed the impugned order by contending that the same is non-speaking and cryptic. As per him, the impugned order was passed by an officer of the Authority, who was not empowered to pass such order under any provision of the Act². The order was thus, *non-est* and needs to be declared as such. Further, no opportunity of being heard was provided to the appellant before passing the forfeiture order, thereby violating the principles of natural justice.

4. After going through facts of the appeal and submissions made by learned counsel for the appellant, the question which arises before this Tribunal for adjudication is whether the Secretary was justified in ordering forfeiture of the amount and whether he was vested with any power to pass an order of this nature.

5. It is well-settled that principles of natural justice, *audi alteram partem*, are essential for ensuring procedural fairness in Indian administrative and judicial processes. The same require that parties be given effective and fair hearing before adverse orders are made thereby safeguarding against arbitrary and unjust decision. A perusal of the impugned order shows that the same was passed without affording any opportunity of hearing to the appellant. Proviso to clause (b) of Section 5(1) of the Act provides for opportunity of hearing to the promoter before rejecting any application.

6. Further, it has been noticed that the impugned order has been passed by the Secretary. There is nothing on record to show that the Secretary has been vested with powers to pass orders of the nature impugned in the instant case. It is, thus, inexplicable how quasi-judicial powers were exercised by the said officer. The impugned order,

² The Real Estate (Regulation and Development) Act, 2016

thus, appears to be *non-est* and is declared as such. The same is hereby set aside.

7. Appeals are allowed in the aforesaid terms.

8. Copy of this order be communicated to the parties/counsel and the Authority for compliance.

9. Files be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)

July 15,2025
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