

M/s Three C Shelters Pvt. Ltd.  
V/s

M/s Greenopolis Welfare Association India Ltd. & anr.

Appeal No. 55/2020

Present: Sh. Dhananjai Jain, Advocate with Sh. Vishal Sharma, Advocate, ld. counsel for the appellant.

Office report perused.

The appeal be registered.

In the present appeal the appellant has challenged the impugned order dated 16.01.2020 passed by the Haryana Real Estate Regulatory Authority, Gurugram (hereinafter called 'the authority') wherein certain directions have been given to the appellant and its Directors. Ld. counsel for the appellant has pleaded that the ld. Authority was not competent to direct the directors to disclose their personal properties. He relied upon the cases decided by the Hon'ble High Court of Delhi titled as V.K Uppal V/s M/s Akshay International Pvt. Ltd. in Ex. App. No. 516/2009 in Ex.P.No. 295/2003 on 9<sup>th</sup> February, 2010 and Anirban Roy & Anr. V/s Ram Kishan Gupta & Anr. In CM(M)559/2017 & CM No. 19057/2016 (for stay) on 3<sup>rd</sup> August, 2017. He also raised issue regarding issuance of the show cause notice to the Directors of the company for their detention in the civil prison.

We have duly considered the aforesaid contentions in the impugned order the ld. authority has just sought the personal appearance of the Directors and have been given directions to them to disclose the moveable and immovable assets of the companies and their personal ones. The show cause notice has also been issued to explain as to why they should not be detain in civil prison for the disobedience of the order passed by the ld. Authority.

The case is still pending at the stage of the show cause notice. The appellant is at liberty to take all the factual and legal pleas before the ld. Authority with respect to the attachment of their properties and

their detention in the civil prison. We hope that the ld. Authority will decide the pleas raised by the appellant in a judicious manner.

It has also been pointed out that the appellant has moved an application dated 07.02.2019 regarding the partial satisfaction of the order dated 23.01.2019 passed by the ld. Authority in complaint no. 225 of 2018. He pleaded that the ld. Authority has not passed any order in this application. We expect that the ld. Authority will pass the appropriate order on this application on the next date of hearing fixed before the ld. Authority in the execution proceedings or at the earliest.

The present appeal can be disposed of with the aforesaid directions/observations. So, we do not feel any necessity to issue the notice to the respondents as it will unnecessarily delay the disposal of the appeal and will also burden the respondents with litigation expenses.

Thus, the present appeal is hereby disposed of with the aforesaid directions/observations.

Copy of this order be forwarded to the ld. Real Estate Regulatory Authority, Gurugram for compliance.

File be consigned to the records.

Justice Darshan Singh (Retd.)  
Chairman,  
Haryana Real Estate Appellate Tribunal,  
Chandigarh  
24.01.2020

Inderjeet Mehta  
Member (Judicial)  
24.01.2020

Anil Kumar Gupta  
Member (Technical)  
24.01.2020

