

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.277 of 2023

Date of Decision: 20.08.2025

State of Haryana through the Director General, Town and Country Planning Department, Haryana, Nagar Yojana Bhawan, Plot No. 3, Sector 18, Madhya Marg, Chandigarh.

Appellant

Versus

1. Haryana Real Estate Regulatory Authority, Mini Secretariat, New Parking Building, 2nd & 3rd Floor, Sector 1, Panchkula.
2. Countrywide Promoters Pvt. Ltd., OT-14, 3rd Floor, Next Door, Parkland, Sector 76, Faridabad.

Respondents

CORAM:

**Justice Rajan Gupta
Shri Rakesh Manocha**

**Chairman
Member (Technical)**

Present: Mr. Lal Chand, ADA, along with
Mr. B.K.Saini, Chief Town Planner, Haryana,
for the appellant

None for respondent No.1.

Mr. Hemant Saini, Advocate with
Ms. Neha, Advocate,
for respondent No. 2.

O R D E R:

RAJAN GUPTA, CHAIRMAN :

Present appeal is directed against order dated 05.04.2021 passed by HRERA, Panchkula, which bears the signatures of Executive Director, HRERA, Panchkula. Operative part thereof reads as under :

“2. The Authority observes that this project is almost complete. Just building plans have to be revised for which the promoters have deposited requisite renewal fee. The Authority

understands that EDC amount is recoverable and has to be paid by the promoters as per law. The department has several means with them to recover due EDC. The Authority considers that the recovery of EDC should be delinked from approval of the building plans submitted by the promoters to the department. Accordingly, in the interest of allottees, Town and Country Planning Department should grant approval to the revised building plans so that the possession could be offered to the allottees. The department may however recover due EDC from the promoters in due process of law.

3. Awaiting the outcome, the matter is adjourned to 24.05.2021.”

2. At the outset, Mr. Lal Chand, on instructions from Mr. B.K.Saini, Chief Town Planner, Haryana, who is present in Court, submits that by now, entire EDC and IDC has been deposited by the promoter-BPTP Limited. An affidavit dated 11.11.2024 has already been placed on record in this regard. As per him, no *lis* thus survives in this appeal. He, however, submits that before passing orders of this nature, the Authority ought to afford an opportunity of hearing to the department i.e. Directorate of Town & Country Planning, Haryana. In the instant case, no such opportunity was provided.

3. Mr.Saini, learned counsel appearing for M/s. BPTP Ltd. also states that entire admissible EDC and IDC has been remitted by the company to the State.

4. In view of the fact that learned counsel are *ad idem* that the EDC/IDC have been remitted, no cause of action survives in this appeal. Same is, thus, disposed of.

5. It is, however, made clear that in case an order of this nature is to be passed, State of Haryana (appellant herein)

needs to be given an opportunity of hearing as it may affect large number of its projects. Even otherwise, as per the principle of *audi alteram partem*, any such order, which is passed without due opportunity to the parties concerned, would not be sustainable.

6. With the aforesaid observations, the appeal is disposed of.

7. File be consigned to the records.

8. A copy of this order be forwarded to Chairman, HRERA, Panchkula.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)
(joined through VC)

20.08.2025
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