

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**Date of Decision: August 20,2025**

(1) Appeal No. 929 of 2024

M/s Signature Builders Private Limited, Registered Office:  
Ground Floor, Tower-A, Signature Tower South City 1,  
Gurugram, Haryana-122001, through its authorized  
representative Mintu Kumar S/o Arvind Prasad Singh, aged  
about 47 years

Appellant.

Versus

Haryana Real Estate Regulatory Authority, Gurugram, PWD  
Guest House, Old Railway Road, Civil Lines, Gurugram,  
Haryana-122001

Respondent

(2) Appeal No. 930 of 2024

M/s Signature Builders Private Limited, Registered Office:  
Ground Floor, Tower-A, Signature Tower South City 1,  
Gurugram, Haryana-122001, through its authorized  
representative Mintu Kumar S/o Arvind Prasad Singh, aged  
about 47 years

Appellant.

Versus

Haryana Real Estate Regulatory Authority, Gurugram, PWD  
Guest House, Old Railway Road, Civil Lines, Gurugram,  
Haryana-122001

Respondent

Present : Mr. Kunal Dawar, Advocate along with  
Ms. Tanika Goyal, Advocate and  
Ms. Ankita Chaudhary, Advocate for the appellant

None for the respondent.

**CORAM:**

**Justice Rajan Gupta**  
**Rakesh Manocha**

**Chairman**  
**Member (Technical)**  
(joined through VC)

**O R D E R:****RAJAN GUPTA, CHAIRMAN:**

This order shall dispose of above-mentioned appeals, as common questions of law and facts are involved. However, the facts have been extracted from Appeal No. 929 of 2024.

2. Present appeal is directed against order dated 03.04.2024, annexed as impugned order, passed by the Secretary of the Authority<sup>1</sup>. Operative part thereof reads as under:

*“6. In the hearing dated 22.03.2024, Sh. Vedant Batra (CS) and Sh. Ravinder (Executive) appeared on behalf of the promoter and stated that the promoter had applied for the requisite clearances on time but the delay was on the part of the concerned department. However, it is not disputed that the promoter was granted conditional registration at its own accord and depositing of security amount in the form of cheque in lieu of submission of the requisite clearances within the time specified in the conditional registration.*

*7. In view of the fact that the promoter has failed to submit the approval of fire scheme and service plans and estimates within the specified timeline of three months as per conditions of the registration certificate no. 582/414/2023/26 dated 30.01.2023, the security deposited by the promoter in lieu of the timely submission of the above approval is hereby forfeited.”*

3. Learned counsel for the appellant has assailed the impugned order by contending that the same is *non-est* as there can be no question of delegation of judicial powers to any

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<sup>1</sup> Haryana Real Estate Regulatory Authority, Gurugram

subordinate authority or officer. There has to be an independent application of mind by the Authority having subject-matter jurisdiction while passing an order, judicial or quasi-judicial in nature. He has referred to the judgment of Hon'ble Supreme Court in ***M/s Newtech Promoters and Developers Pvt. Ltd. State of UP***<sup>2</sup>, relevant paragraph whereof reads as under:

*“118. In the instant case, by exercising the power under Section 81 of the Act, the authority, by a special order dated 5<sup>th</sup> December, 2018 has delegated its power to the single member of the authority to exercise and decide complaints under Section 31 of the act and that being permissible in law, cannot be said to be dehors the mandate of the Act. At the same time, the power to be exercised by the adjudicating officer who has been appointed by the authority in consultation with the appropriate Government under Section 71 of the Act, such powers are non-delegable to any of its members or officers in exercise of power under Section 81 of the Act.”*

4. Perusal of the observations made in ***M/s Newtech Promoter's case*** (supra) shows that the Act<sup>3</sup> does not contemplate delegation of any judicial powers to any other official except a member of the Authority or the Adjudicating Officer, as the case may be. Otherwise also, delegation of judicial power is not in consonance with any law or the jurisprudence on the subject. Needless to observe that all these functions ought to be performed by the Authority in which this power is vested. It is, thus, inexplicable how quasi-judicial

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<sup>2</sup> 2022(1) RCR (Civil)367

<sup>3</sup> The Real Estate (Regulation and Development) Act, 2016

powers were exercised by the Secretary of the Authority. The impugned order, thus, appears to be *non-est* and is declared as such. The same is hereby set aside.

5. In view of the above, the appeals are allowed. The matters are remitted to the Authority for decision afresh after taking into consideration the established legal principles and observations made in ***Newtech Promoters'*** case (supra). The Authority shall endeavour to decide the matters expeditiously in any case not later than four months.

6. Parties are directed to appear before the Authority on 08.09.2025.

7. Copy of this order be sent to the parties/their counsel and the Authority below.

8. Files be consigned to records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Rakesh Manocha  
Member (Technical)  
(joined through VC)

August 20, 2025  
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