

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

Appeal No.230 of 2025 (O&M)
Date of Decision: 11.11.2025

Berkeley Automobiles Limited having registered office at Plot No.24,
Berkeley Square, 6th Floor, Industrial Area, Phase-I, Chandigarh

Appellant

Versus

Haryana Real Estate Regulatory Authority, Panchkula, Mini
Secretariat, New Office Block, 2nd and 3rd Floor, Sector 1, Panchkula
Haryana.

Respondent

CORAM:

Justice Rajan Gupta
Dr. Virender Parshad
Shri Dinesh Singh Chauhan

Chairman
Member (Judicial)
Member (Technical)

Present: Mr. Kamal Jeet Dahiya, Advocate,
for the respondent.

None for the respondent-HRERA, Panchkula.

:O R D E R:

RAJAN GUPTA, CHAIRMAN (Oral):

CM No.694 of 2025

This is an application seeking condonation of 10 days' delay in filing the appeal. Same is supported by an affidavit of Mr. Dinesh Kumar Kohli, Authorised Signatory of the appellant-company.

2. On perusal thereof, we feel that sufficient cause is made out for condoning the delay in filing the appeal. Accordingly, application is allowed. Delay of 10 days in filing the appeal is hereby condoned.

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Main Appeal

1. Present appeal is directed against order dated 08.01.2025 passed by the Executive Director, HRERA, Panchkula¹.

Same reads as under:-

“1. A letter has been received from the promoter on 13.12.2024 stating that clause No.1(v) of the original Policy – “Affordable housing police under housing for all-2018 core area” dated 26.06.2018 has been substituted vide Haryana Government Gazette (Extraordinary notification No.118-2024/Ext.. Chandigarh dated 05.08.2024 with the following-

“Renewal of License: A license granted under this policy may be renewed beyond of period of 4 years from the date of commencement of project on payment of renewal fees at the rate of license fee prescribed for residential plotted colonies.”

2. In view of the above notification dated 05.08.2024, the promoter has requested for renewal of registration certificate No.392 of 2023 dated 17.01.2023 as per the terms of the amended policy., the validity of registration is not affected by the policy relating to the renewal of license and therefore, the date of validity of registration shall remain the same, i.e., 31.12.2024.

3. After consideration, Authority decided that promoter should apply for extension of project in REP-V proforma.

*True Copy
Sd/-
Executive Director,
HRERA, Panchkula.”*

2. Notice of the appeal was issued on the last date of hearing, i.e., 09.10.2025.

3. At the outset, learned counsel for the appellant submits that service has been effected on the respondent-Authority. Report of

¹ Haryana Real Estate Regulatory Authority, Panchkula

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the registry is to the same effect. He has produced a document in proof thereof. Same is taken on record. As the respondent-Authority has failed to appear despite service, thus, proceeded *ex parte*.

4. Mr. Dahiya submits that upon perusal of the order, it appears that the same has been passed by the Executive Director of the Authority, in whom no power is vested to pass an order of this nature. There is nothing to indicate any independent application of mind by the Authority. Besides, the order is cryptic and non-speaking in nature.

5. As per Mr. Dahiya, no opportunity of hearing was afforded to the appellant-company before the order was passed despite an application dated 05.09.2024 moved by the appellant-company wherein prayer was made to consider the stand taken by it.

6. We have heard learned counsel for the appellant and given careful thought to the facts of the case.

7. The Authority has chosen not to appear before this Bench despite service; nor a reply has been filed on its behalf. A perusal of the order shows that the same is cryptic in nature and does not deal in detail with the issues raised by the appellant in its application. There is nothing on record to show that any opportunity of hearing was afforded to the appellant-company. Law is well-settled on this issue that principles of natural justice are to be read in every statute. Thus, any order passed without affording any opportunity of hearing to the affected party would be vitiated.

8. Under these circumstances, the order under challenge is set aside and the matter is remitted to the Authority for decision afresh after affording opportunity of hearing to the appellant-company.

9. Appeal is allowed in these terms.

10. Appellant-company is directed to appear before the

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Authority on 02.12.2025.

11. Needless to observe that in view of the delay already occasioned, the Authority would make an endeavour to decide the matter as expeditiously as possible, in any case not later than six weeks from the uploading of this order.

12. Copy of this order be forwarded to the appellant, its counsel and the Authority below.

13. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad
Member (Judicial)

Dinesh Singh Chauhan
Member (Technical)

11.11.2025
Manoj Rana