

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.914 of 2024 (O&M)

Date of Decision: 13.10.2025

Tata Housing Development Co. Ltd., E-Block, Voltas
Compound, TB Kadam Marg, Chinchpokli, Mumbai
Maharashtra 400043

Appellant

Versus

- 1. Ashok Kumar Soni;
- 2. Nishant Soni son of Ashok Kumar Soni;
- 3. Nandita Soni wife of Shri Nishant Soni;

All residents of C-5, Gulmohar Park, New Delhi
110049

Respondents

Coram:

Justice Rajan Gupta
Dr. Virender Parshad
Shri Dinesh Singh Chauhan

Chairman
Member (Judicial)
Member (Technical)

Present: Ms. Sandhya Gaur, Advocate along with
Mr. Nitin Verma, Advocate
for the appellant.

Mr. Ashok Kumar Soni
Respondent No.1 in person.

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against order dated
23.08.2024 passed by the Adjudicating Officer, HRERA¹ at
Gurugram. Same is reproduced hereunder for ready reference:

*“Heard. It is contended by learned counsel for
applicant/JD that neither DH has calculated the decretal
amount properly nor the Account Officer of the Authority.*

¹ Haryana Real Estate Regulatory Authority, Gurugram

On the basis of whose report/calculation, recovery certificate was issued. According to him, his client i.e. JD offered payment of Rs.968733/- to the DH but same did not accept this amount.

Offer of such a cheque is not disputed by learned counsel for DH but according to him the JD wanted to deduct a sum of Rs. 1798764/-. As per learned counsel for JD, aforesaid amount was due against allottee-DH.

Learned counsel for JD denied any such liability of his client. Considering the same and also the fact that the Authority through order under execution did not allow deduction of any such amount, even if same was outstanding against the allottee-DH. Learned counsel for JD pointed out that the Authority through order under execution was directed the respondent to adjust the payment of DPC towards dues from the complainants, if any.

As mentioned above according to learned counsel for DH, there were not outstanding dues against his client. Moreover, the Authority did not specify the amount of outstanding dues even if DH has any such arrears against the JD, the latter is free to raise the demand. I find no merit in the objections raised by JD. Same are thus dismissed.

Learned counsel for DH requests for direction to JD to disclose its assets/properties including bank account which can be attached to realize the decretal amount. JD is directed to disclose its assets/properties including bank account and unsold inventories which can be attached to realize the decretal amount. Information to be given in the form of affidavit to be sworn by anyone from directors of JD, preferably Managing Director. At the same time, Tehsildar (Recovery Cell) Sh. Ram Charan Sharma be asked to enquire about the property of JD and to file his report till next date.

To come on 05.12.2024 for further proceedings.”

2. During the pendency of the appeal, order dated 23.07.2025 was passed by this Tribunal, wherein, it was observed

that the executing court shall endeavour to conclude the proceedings at the earliest, in any case, not later than two weeks from the said date of order.

3. Today, at the outset, learned counsel for the appellant has informed that the Adjudicating Officer has entrusted the matter *vide* order dated 12.09.2025 to the Chief Accounts Officer to check the calculations filed by both the parties and submit a report by 06.10.2025. The matter is stated to be listed before the Adjudicating Officer today, i.e., 13.10.2025.

4. Today, Mr. Ashok Kumar Soni-Respondent No.1, who is present in court, submits that he has already submitted a detailed calculation and same needs to be carefully examined by the Chief Accounts Officer.

5. In view of the developments that have taken place in the interregnum, we are of the considered view that the matter needs to be remitted to the Adjudicating Officer to enable him to take a decision immediately after submission of report of the Chief Accounts Officer. It shall be ensured that the matter does not linger any further and same be decided in a fixed timeframe, in any case, not later than two weeks from the date the report is submitted by the Chief Accounts Officer.

6. Appeal is, accordingly, disposed of.

7. It is made clear that impugned order dated 05.12.2024 passed by the Adjudicating Officer shall not be swayed by any of the observations made in order dated 05.12.2024 passed by him.

8. Amount of pre-deposit made by the appellant in this appeal along with interest accrued thereon be remitted to the Authority below. Same shall be retained by it and disbursed to the

parties as per their entitlement after decision of the matter by the concerned forum.

9. CM pending, if any, stands disposed of.

10. Copy of this order be forwarded to the parties, their counsel and the Authority below.

11. 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)

13.10.2025
Manoj Rana