

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Date of Decision: 12.01.2026

(1)Appeal No. 235 of 2024

M/s JMD Ltd. Registered office at 6, Devika Towers, Upper Ground Floor, Nehru Place, New Delhi-110019.

...Appellant

Versus

Mr. Ashok Kumar, R/o D-176, Freedom Fighter Enclave, Neb Sarai, South Delhi, IGNOU, Delhi-110068.

...Respondent

(2)Appeal No. 236 of 2024

M/s JMD Ltd. Registered office at 6, Devika Towers, Upper Ground Floor, Nehru Place, New Delhi-110019.

...Appellant

Versus

Mr. Ashok Kumar, R/o D-176, Freedom Fighter Enclave, Neb Sarai, South Delhi, IGNOU, Delhi-110068.

...Respondent

(3)Appeal No. 237 of 2024

M/s JMD Ltd. Registered office at 6, Devika Towers, Upper Ground Floor, Nehru Place, New Delhi-110019.

...Appellant

Versus

Mr. Ashok Kumar, R/o D-176, Freedom Fighter Enclave, Neb Sarai, South Delhi, IGNOU, Delhi-110068.

...Respondent

CORAM:

Justice Rajan Gupta
Dr. Virender Parshad
Dinesh Singh Chauhan

Chairman
Member (Judicial)
Member (Technical)

Present: Mr. Venket Rao, Advocate with
Mr. Pankaj Chandola, Advocate,
Mr. Gunjan Kumar, Advocate
for the appellant-promoter.

Respondent in person with
Mr. RajulShrivastava, Advocate.

ORDER:
JUSTICE RAJAN GUPTA, CHAIRMAN

This order shall dispose of above-mentioned three appeals, as common questions of law and facts are involved therein. However, the facts have been extracted from Appeal No. 235 of 2024.

2. Present appeal has been preferred against order dated 23.02.2024, passed by Adjudicating Officer of the Authority¹. Same reads as under:

“None for JD/respondent, despite service of notice. This is a petition filed by promoter seeking execution of order passed by the Authority dated 19.04.2024, through which (present petitioner) was directed to pay interest at the prescribed rate 10.70% per annum for every month of delay. On the amount paid by the DH/complainant from date of possession i.e. 13.05.2017 till 03.02.2019. At the same time, complainant was also directed to pay outstanding dues, if any, after adjustment of interest for the delayed period.

It is contended by learned counsel for petitioner that complainant did not pay outstanding dues and hence his client (respondent in said complaint) has approached this forum through this petition, seeking execution of aforesaid order i.e. payment of outstanding dues.

In the order, the authority has allowed complaint filed by allottee and directed present petitioner to pay interest. Although complainant was also asked to pay

¹Haryana Real Estate Regulatory Authority, Gurugram

outstanding dues, the authority did not clarify amount of dues. Same simply reminded the complainant that he has to pay outstanding dues, if any.

Admittedly, it was not a case of counter claim or set off. In such a circumstances, present petition does not lie. Even if, there are outstanding dues, the promoter has remedy anywhere else i.e. like filing of separate complaint before the authority or to issue demand notice. Petition in hands is thus dismissed, being not maintainable.

File be consigned to the records.”

3. Mr. Rao has posed a challenge to the aforesaid order contending that there was no question for filing any counter claim or application for set off on behalf of the promoter in view of the fact that the order dated 19.04.2023 passed by the Authority is clear on all such issues. As per him, the Adjudicating officer did not appreciate this aspect in the correct perspective. Besides, the order passed is cryptic in nature. He, thus, prays that the matter be remitted to the Executing Court for decision afresh.

4. We do not intend to express any opinion on merits of the case. However, we feel that the order being cryptic needs to be remitted to the same forum for decision afresh.

5. Learned counsel for the respondent does not oppose this prayer.

6. In view of above, the impugned order is set aside. The matter is remitted to the Executing Court for decision afresh.

7. Parties are directed to appear before the said forum on 23.02.2026.

8. The appeals are allowed in the aforesaid terms.

9. The amount of pre-deposit made by the appellant-promoter along with each appeal in terms of proviso to Section 43(5) of the Act, along with interest accrued thereon, be remitted to the Authority for disbursement to the parties after conclusion of the proceedings, as per their entitlement, subject to tax liability, if any.

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

11. Files be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad
Member (Judicial)

Dinesh Singh Chauhan
Member (Technical)

12.01.2026
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