

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.69 of 2025

Date of Decision: January 19, 2026

Vatika Limited, Unit No. 002, Ground Floor, Tower-A, Vatika
INXT City Centre, Sector 83, Gurugram, Haryana – 122 012.

Appellant

Versus

1. Raj Kumari Arora

2. Chunni Lal Arora,

Residents of H.No. 468, Sector 31, 32nd Milestone, Gurugram
– 122 001.

Respondents

CORAM:

**Justice Rajan Gupta
Dr. Virender Parshad
Dinesh Singh Chauhan**

**Chairman
Member (Judicial)
Member (Technical)**

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

Mr. Saurav Sachdeva, Advocate,
for the respondents.

ORDER:

RAJAN GUPTA, CHAIRMAN

This is an appeal preferred by the appellant-promoter against the order dated 05.12.2024 passed by the Haryana Real Estate Regulatory Authority, Panchkula (hereinafter to be referred as ‘the learned Authority’) in Complaint No. 401 of 2023 titled as Raj Kumari Arora & Chunni Lal Arora vs. Vatika Ltd.

3. The crux of the matter relevant for the disposal of this appeal is that the complainant-respondents made an investment in the project of the appellant i.e. Vatika

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Mindscapes (hereinafter referred to as 'the Project') located in Faridabad, Haryana. The investment was made with the expectation of receiving assured returns and lease rentals as per the terms stipulated in the agreement executed between the parties on 24.10.2006. The appellant-respondent failed to adhere to the terms and conditions of the agreement dated 24.10.2006 which resulted into filing of the complaint before the learned Authority, seeking following reliefs :

- i. Pass an appropriate order directing the respondent to give the possession of the unit and get the Registry done in the name of the complainants.
- ii. Pass an appropriate order directing the respondent to pay the committed returns as promised in the Agreement and Delay Penalty Charges as per the Act.
- iii. Any other relief which the Hon'ble Authority thinks deem fit.

4. The appellant-respondent put in appearance on 02.05.2023 before the Authority and sought time for filing reply to the complaint. At that time, the matter was adjourned to 23.08.2023 with the direction to file the reply within three weeks. The appellant-respondent, due to bereavement in the family of the authorized representative of the company, did not file the reply on 23.08.2023. The appellant was burdened with costs of Rs. 7000/- on 23.08.2023 and directed to file the reply up to 30.11.2023. On 30.11.2023, a soft copy of the reply was e-mailed, but the Registry of the learned Authority did not accept the reply and impressed upon filing hard copy and further costs of Rs. 15000/- was imposed. The matter was adjourned to 20.03.2024. Thereafter, the learned Authority

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preponed the matter to 22.02.2024 and carried out the proceedings by giving short notice to both the parties. By that time, counsel for the appellant could not materialise the discussions with the appellant as the actual date fixed was 20.03.2024. On 22.02.2024, costs of Rs. 25000/- was imposed and the matter was adjourned to 02.05.2024 for filing hard copy of the reply. The counsel for the appellant repeatedly requested the Registry to accept the soft copy of the reply, but the matter was adjourned for non-filing of the hard copy and on the pretext of non-payment of cumulative costs imposed by the learned Authority. The appellant, in order to address the issue, sent a demand draft of Rs. 15,000/- on 05.04.2024 through counsel, but the same was also not accepted by the Registry on the ground that it did not cover the entire cumulative costs amounting to Rs. 97,000/-. Ultimately, the impugned order dated 05.12.2024 was passed by the learned Authority granting the respondent last opportunity to file the reply along with imposition of additional costs of Rs. 25,000/- within the next three weeks failing which, defence will be struck off on the next date of hearing.

5. In this backdrop, the respondent submitted that the impugned order dated 05.12.2024 needs to be modified/set aside.

6. Initiating the arguments, learned counsel for the appellant has vehemently contended that the non-acceptance of the soft copy e-mailed to the Registry of the reply was neither justified nor justicified. Learned counsel further argued that the reason for non-payment of the costs was due to financial constraints of the appellant. The learned Authority, in view of

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the order dated 03.04.2025, on 11.09.2025 recorded in its order that the defence of the respondent stood struck off and directed the matter to be proceeded on merits. At the same time, in para no. 3 of the order dated 11.09.2025, the Authority below itself kept the matter pending for 12.03.2026 in view of the pendency of the Civil Writ Petition No. 26740 of 2022 before the Hon'ble High Court. With these submissions, learned appellant's counsel prayed that the impugned order regarding imposition of the costs and striking off the defence is illegal, arbitrary and wholly unjustified in the eyes of law.

7. Replying to the above averments, learned counsel for the respondents has urged that the Authority below granted sufficient opportunities to the appellant to file hard copy of the reply, but the appellant himself failed to avail the opportunities and remained adamant. Further, the impugned order dated 05.12.2024 which was alarming, informing the appellant to file the reply on the date fixed. Therefore, learned counsel prayed that the appeal deserves to be dismissed.

8. We have given our thoughtful consideration to the arguments of both the sides. We have also examined the record of the case in its length and breadth.

9. Admittedly, the appellant did not file hard copy of the reply despite repeated opportunities. This type of conduct of the appellant compelled the Authority below to impose costs on time to time. Simple reason given by the learned counsel in his arguments regarding non-payment of costs which is attributed to financial constraints of the appellant. This logic of the learned counsel does not appear to be genuine particularly in the circumstances when the appellant is a business group and

instead of filing the hard copy, opted to seek adjournments time and again and ultimately came before this Tribunal by making a payment of court-fee and other expenses. Therefore, the Authority below was absolutely justified in imposing the costs upon the appellant indicated in the impugned order.

10. Now the next question, which needs to be determined is, whether the striking off defence by the Authority is justified? We are of the view that the order regarding striking off defence is a very drastic step which creates dark clouds over the rights of the appellant. The Authority, in the impugned order, also imposed additional costs and ordered for the striking of the defence on the next date. This shows that the Authority used two-edged sword against the appellant. In such situation, it would have been appropriate for the Authority in the interest of justice, to allow the appellant to file hard copy of the reply. If a party is allowed to file a reply, meaning thereby, the system is providing a levelled field to both the parties to contest their pleas on merits. In simple words, if the pleadings of both the parties are complete on record, it upsurges the merits of the case.

11. In view of the findings recorded above, we are of the view that the impugned order dated 05.12.2024 deserves to be modified up to the extent that the appellant is entitled to file hard copy of the reply on or before the next date of hearing fixed before the Authority below i.e. 12.03.2026.

12. Accordingly, the appeal is partly allowed.

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

14. 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)

January 19, 2026
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