

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

**CM No. 127 of 2025 in/
Appeal No. 52 of 2025**

Date of Decision: March 24, 2026

Housing Board Haryana, through its Secretary, C-15, Awas Bhawan, Sector 6, Panchkula – 134 109.

Applicant-Appellant

Versus

1. Ram Niwas resident of Village Duloth Ahir, VPO Duloth Ahir, District Mahendergarh.
2. Haryana Real Estate Regulatory Authority, Sector 1, Panchkula.

Respondents

CORAM:

**Justice Rajan Gupta
Dinesh Singh Chauhan**

**Chairman
Member (Technical)**

Argued by : Mr. Arvind Seth, Advocate,
for the applicant-appellant.

ORDER:

RAJAN GUPTA, CHAIRMAN :

The applicant-appellant has preferred the instant appeal against order dated 07.04.2022 passed by the Haryana Real Estate Regulatory Authority, Panchkula in Complaint No. 63 of 2021, which was uploaded on 18.04.2022

2. The applicant-appellant seeks condonation of delay of 948 days in filing the appeal, pleading that the appeal could not be filed bonafidely due to the time consumed in taking decision to challenge the impugned order as well as change of counsel time and again. It is averred in the application that on

26.05.2021, the file was submitted to the competent authority for legal opinion for filing appeal against the impugned order which was received from the DDA on 01.06.2022. Thereafter, on 10.06.2022, the concerned official sent the proposal to the competent authority that the appeal may be filed before the Hon'ble Punjab and Haryana High Court. The Chief Administrator approved the name of Sh. Naresh Singh Sekhawat, Advocate, to defend the case on behalf of the appellant in the Hon'ble High Court. Meanwhile, said Advocate was elevated as a Judge and due to this reason, appeal could not be filed in the Hon'ble High Court. The file was again sent to Advocate General, Haryana for appointing a counsel. On 27.09.2022, name of Sh. Rajesh Gaur, Additional Advocate General was recommended for filing the appeal before this Tribunal. On the same issue, some other allottees had filed CWP No. 19124 of 2021 which was decided by the DB of Hon'ble Punjab and Haryana High Court on 30.05.2022, directing refund of entire amount deposited by the allottee along with the mean saving bank interest of State Bank of India. In view of the decision in the said CWP, the amount of Rs. 2,05,214/- deposited by respondent No. 1 was refunded through RTGS on 07.01.2025. On 09.11.2022, draft appeal was sent to the DDA for vetting on the request of Sh. Rajesh Gaur, Additional Advocate General. The draft appeal was checked by the DDA on 14.11.2022 who suggested certain changes therein. Thereafter, fresh counsel was engaged to file the appeal on 25.08.2023. However, thereafter, another counsel, Sh. Piyush Bansal, Advocate was engaged to file the appeal vide engagement letter dated 11.10.2024. Said counsel

requested to assign this case to some other counsel due to personal difficulty. On 12.11.2024, the Advocate General recommended the name of the present counsel to file the appeal whereafter the instant appeal was filed. It is further averred in the application that the delay in filing the appeal is not intentional but due to change of counsel time and again and if the delay in filing the appeal is not condoned, the applicant-appellant would suffer irreparable loss and injury. The application seeking condonation of delay is duly supported by an affidavit of Ruchi Singh Bedi, Secretary of the applicant-appellant Board.

3. Learned counsel for the applicant-appellant has vehemently contended that the Court should lean towards adopting liberal approach in the matter of condonation of delay as it helps the parties to contest their case on merits. Learned counsel further contended that the delay occurred in filing the appeal was neither intentional nor deliberate, but solely due to the reasons mentioned in the application. To substantiate his arguments, he has relied upon ***Mool Chandra vs. Union of India & Anr. (2024 SCC Online SC 1878)*** ; ***Sheo Raj Singh (Deceased) through LRs & Ors. Vs. Union of India & Anr. (2023 SCC Online SC 1278*** ; ***State of Haryana vs. Chandra Mani and others (Civil Appeal Nos. 4118-19 of 1996 [Arising out of SLP{C} Nos. 17120-21 of 1993] dated 30.1.1996 and G.Ramegowda, Major vs. Special Land Acquisition Officer, Bangalore and Basavalingappa vs. Special Land Acquisition Officer, Bangalore (Civil Appeal No. 857 and 988 (N) of 1984 decided on 10.3.1988).***

4. With these submissions, learned counsel supplicated that the application for condonation of delay may to be allowed.

5. We have heard learned counsel for the applicant-appellant and examined the record in between the lines. We have also given thoughtful consideration to the law relied upon by the applicant-appellant, referred to above

6. Needless to observe that the applicant-appellant is an entity of State of Haryana. The grounds mentioned in the application seeking condonation of delay speaks in volume that the officials/officers of the applicant-appellant conducted the official business in a very casual manner and remained sleeping over the docket for a long time which resulted into delayed filing of the appeal without showing any due diligence and this tantamounts to inordinate delay which cannot be condoned as a matter of routine by adopting a liberal approach.

7. The Hon'ble Supreme Court of India, in the case titled as ***State of Madhya Pradesh vs. Ramkumar Choudhary (Special Leave Petition (C) Diary No. 48636 of 2024)***, held that the discretion to condone the delay has to be exercised judiciously based on facts and circumstances of each case and that, the expression 'sufficient cause' cannot be liberally interpreted, if negligence, inaction or lack of bona fides is attributed to the party. Further, the Hon'ble Supreme Court, in Para 6 of the judgment, held that the delay occurred in preferring the second appeal due to callous and lackadaisical attitude on the part of the officials functioning in the State machinery.

8. Further, in the case titled as ***The Principal Secretary, Food Civil Supplies And Consumer Affairs Department, Punjab and Ors. Vs. Varinder Kumar Jain (RSA-3244-2025 decided on 25.09.2025)***, Hon'ble Punjab and Haryana High Court refused to give State latitude for filing the appeal with an inordinate delay of 992 days. It is also held that the law of limitation being founded on public policy, admits of no exception in favour of repeated bureaucratic lapses or casual indifference.

9. In view of the above ratio of law, we revert to the facts of the case in hand. The impugned order was passed on 07.04.2022 and uploaded on 18.04.2022. However, the instant appeal was filed on 20.01.2025, with a delay of 948 days. The grounds mentioned in the application clearly spell out that the officers/officials of the applicant-appellant failed to discharge their official duties effectively and efficiently. The explanation given by the applicant-appellant is neither sufficient nor justified viewing from any legal angle. The officials also failed to act diligently. In order to get the delay condoned, it is always incumbent upon the applicant-appellant to prove that there was sufficient cause and the applicant-appellant exercised due diligence in filing the appeal, but despite that, delay occurred in filing of the appeal. This aspect is missing in this case throughout.

10. We have also gone through the case law relied upon by the applicant-appellant, referred to in the foregoing paras of this order, but the same is distinguishable in the facts and circumstances of this case. Therefore, the same cannot be

pressed into service to serve the cause of the applicant-appellant.

11. In view of the findings recorded above, we are of the considered view that the application for condonation of delay lacks merits and as such, the same is dismissed. Consequently, the appeal is also dismissed.

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

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

14. File be consigned to records.

Justice Rajan Gupta,
Chairman,
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan
Member (Technical)

March 24, 2026
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