

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

**CM No. 423 of 2025 in/
Appeal No.71 of 2025**

Date of Decision: January 28, 2026

Housing Board Haryana, C-17, Awas Bhawan, Sector 6,
Panchkula (Haryana), through its Secretary.

Applicant-Appellant

Versus

1. Badri Prasad Gupta, Plot No. 8-9, Ist Floor, Pocket B-3,
Rohini, Sector 11, Delhi.
2. Haryana Real Estate Regulatory Authority, Sector 1,
Panchkula.

Respondents

CORAM:

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

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

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

Mr. T.P.Singh Chauhan, Advocate,
for respondent No.1.

None for respondent No.2.

ORDER:

VIRENDER PARSHAD, MEMBER (JUDICIAL) :

The applicant-appellant has preferred an appeal against the order dated 18.10.2023 passed by the Haryana Real Estate Regulatory Authority, Panchkula in Complaint No. 2298 of 2022 which was uploaded on 28.03.2024.

2. At the outset, it needs to be pointed out that there is typographical error in the title of the parties in the instant

appeal. In the memo of parties, name of respondent No. 1 is mentioned as Balbir Singh instead of Badri Parsad Gupta. Registry to carry out the necessary correction.

3. The applicant-appellant seeks condonation of delay of 287 days in filing the appeal, pleading that appeal could not be filed bonafidely due to the facts that the file was sent to the DDA on 22.04.2024 for seeking legal opinion from the counsel. On 01.05.2024, an e-mail was sent to the counsel requesting therein to give the legal opinion. On 05.09.2024, legal opinion was received from the counsel. On 17.09.2024, file was put up to the Chief Administrator for taking approval to file the appeal. On 28.10.2024, the Chief Administrator sent the file to the Advocate General, Haryana, for appointment of counsel to file the appeal. On 06.11.2024, the file was received back, appointing, Shri Piyush Bansal, Advocate, to file the appeal, however, he showed his inability to file the appeal due to some personal reasons. The final draft was prepared by the present counsel and thereafter, the appeal was filed online 25.01.2025 and hard copy on 10.03.2025, resulting into 287 days' delay. The delay in filing the appeal was mainly attributed to the official procedure and, therefore, the delay may be condoned and the appeal may be heard on merits.

4. Respondent No. 1 filed reply to the application seeking condonation of delay and pleaded that the applicant-appellant has cooked up a story just to hide the inordinate delay. It is pleaded that the Authority had given its decision on 18th October, 2023 which was uploaded on the website on 28th March, 2024. According to the order, 50% payment had to be

made to the complainants within 45 days i.e. by 03.05.2024. However, according to the applicant-appellant, they sent it for the opinion of the counsel after 43 days. The applicant-appellant has mentioned that reply was received on 05.09.2024 from the counsel. However, it is the negligence of the applicant-appellant that they waited for approximately four months when they were sitting up on the clock of limitation due to expire on 22.06.2024 (90 days from the date of judgment uploaded). Also, even if the reply was received on 05.09.2024, there has been a delay of nine working days before sending the same to the Chief Administrator. Even after knowing that they are three months over the limitation period, according to the applicant-appellant, the Chief Administrator inordinately delayed 40 days before requesting Advocate General to appoint a counsel. The counsel was appointed on 6th November, 2024 and the online complaint was filed on 25th January, 2025 (79 days) just with the intentions to stop the period of limitation while they were preparing the documents. The physical copy of the complaint was only filed on 3rd March, 2025 (38 days) hence, the actual period of condonation of delay is 344 days. The applicant-appellant has not submitted any documentary evidence/e-mail supporting to substantiate the proof of delivery/e-mails in any of its claims.

5. Respondent further pleaded that there was inordinate delay and the applicant-appellant and its officers/officials failed to act diligently. The lethargic attitude of the officers/officials of the applicant-appellant cannot be condoned in view of the fact that they failed to establish the sufficient cause and as such, the judicial discretion cannot be exercised in their favour.

6. Initiating the arguments, 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. It helps the parties to contest their appeals on merits. 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 dated 10.3.1988).***

7. With these submissions, learned counsel supplicated that the application for condonation of delay may be accepted.

8. Replying to the above arguments, learned counsel for the respondent has contended 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 the 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. In support of his contentions, he has relied upon ***State of Madhya***

Pradesh vs. Ramkumar Choudhary (Special Leave Petition (C) Diary No. 48636 of 2024) and 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).

9. We have heard learned counsel for the parties and examined the record in between the lines. We have also given thoughtful consideration to the law relied upon by both the parties, referred to above.

10. The Hon'ble Supreme Court of India in the case titled as ***State of Madhya Pradesh (supra)***, 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.

11. In the case titled as ***The Principal Secretary, Food Civil Supplies And Consumer Affairs Department, Punjab and Ors. (supra)***, 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.

12. In view of the above ratio of law, we revert to the facts of the case in hand. In this case, The Haryana Real Estate Regulatory Authority, Panchkula issued the direction in complaint No. 2298 of 2022 for the refund of the amount in respect of the unit booked by respondent no.1. The refund was stated to be calculated by the Authority to the tune of Rs. 3,07,247/-. The impugned order was passed on 18.10.2023 and uploaded on 28.03.2024. The official procedure and filling of hard copy took 344 days before the matter could be listed before this Tribunal. The grounds mentioned in the application clearly spells out that the officers/officials of the applicant-appellant failed to discharge their official duties effectively and efficiently. Even the physical copy of the complaint was filed before the Registry of this Tribunal after 38 days of its institution through online mode. Certainly, it shows that during this course, the applicant-appellant was preparing or collecting certain documents. 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 resulted in filing of the appeal. This aspect is missing in this case throughout.

13. 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 the case. Therefore, the same cannot be

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

14. 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.

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

16. 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.

17. File be consigned to records.

Justice Rajan Gupta,
Chairman,
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad
Member (Judicial)

Dinesh Singh Chauhan
Member (Technical)

January 28, 2026
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