

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**CM No. 1245 of 2025 in/and  
Appeal No.494 of 2025**

**Date of Decision: January 31, 2026**

Housing Board Haryana, Plot No. C-15, Awas Bhawan, Sector 6,  
Panchkula through its Chief Administrator

Applicant-Appellant

Versus

1. Dayanand Dahiya s/o Sh. Lakhi Ram, aged 77 years, R/o 229/28, Jawahar Nagar, Near Jat School, Sonipat.
2. Haryana Real Estate Regulatory Authority, New Office Block, 2<sup>nd</sup> & 3<sup>rd</sup> Floor, 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.

**ORDER:**

**VIRENDER PARSHAD, MEMBER (JUDICIAL) :**

The applicant-appellant has preferred the instant appeal against order dated 11.05.2022 passed by the Haryana Real Estate Regulatory Authority, Panchkula in Complaint No. 747 of 2021, which was uploaded on 01.06.2022

2. The applicant-appellant seeks condonation of delay of 1080 days in filing the appeal, pleading that the appeal could not be filed bonafidely due to the fact that after receipt of copy of order dated 11.05.2022, refund of Rs. 6,95,130/- along with

interest was paid to the respondent on 06.10.2022. Thereafter, on 12.01.2023, the complainant filed execution proceedings for compliance of Hon'ble Tribunal's order dated 11.05.2022 and the file was put up to the Secretary on 09.05.2023 for seeking advice regarding either to comply with the order or to file an appeal against the impugned order. The approval of Chief Administrator was obtained on 12.05.2023 to appoint Shri Sudershan as counsel to file an appeal and also to defend the execution proceedings filed by respondent No.1. However, on 20.09.2024, said counsel expressed his inability to file the appeal due to some personal reasons and returned the file. Subsequently, on 24.09.2024, file was moved to the Chief Administrator to engage Shri Gaurav Jaglan as the counsel, which proposal was approved by the competent authority on 25.09.2024. The DDA of the applicant-appellant received the draft appeal from the said counsel for vetting on 31.01.2025 and the corrected draft of appeal was received from the counsel on 25.02.2025. Thereafter, the case was sent to the Chief Administrator for approval and for preparation of demand drafts amounting to Rs. 2,71,913/- + Rs. 1500/- in favour of this Hon'ble Tribunal and the same was approved on 11.03.2025. The demand drafts were then prepared and handed over to the said counsel on 03.04.2025. On 31.04.2025, it was found that despite repeated efforts through calls and messages, no response was received from the said counsel concerning the present appeal. Thereafter, file was moved on 01.05.2025 to engage the present counsel and same was approved on 06.05.2025. The draft appeal was received from the present counsel by the DDA for vetting on 04.06.2025.

However, on 23.06.2025, a request for cancellation of the demand drafts was made due to expiration of validity period and fresh demand drafts were issued in favour of this Hon'ble Tribunal. Thereafter, corrected draft of appeal was approved by the DDA on 01.07.2025 and case file was put up to Secretary on 03.07.2025 who signed the same on 07.07.2025. It is further averred in the application that 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 dated 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 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.

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 11.05.2022 and uploaded on 01.06.2022. However, the instant appeal was filed on 15.07.2025, with a delay of 1080 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 resulted 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 the 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

Dr. Virender Parshad  
Member (Judicial)

Dinesh Singh Chauhan  
Member (Technical)

January 31, 2026  
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