

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

**Appeal No.908 of 2024
Date of Decision: 17.04.2026**

1. Rakesh Kumar R/o House No. 506.1, Gurgaon Road, Ward No. 2, Pataudi, District Gurgaon (Gurugram), Haryana.
2. Vikas Yadav, R/o Sidhrawali, District Gurugaon, Haryana.

Appellants

Versus

1. Haryana Real Estate Regulatory Authority, Gurugram through its Executive Officer/Registrar, Sector-17, Chandigarh.
2. M/s Ansal Housing and Construction Ltd. through its Executive Officer, Office at 15 (UGF), Indraprakash, Barakhamba Road, New Delhi.
3. M/s Samyak Projects Pvt. Ltd. through its Executive Officer, Office at 111, Antriksh Bhawan, 1st Floor, KG Marg, New Delhi.

Respondents

CORAM:

**Justice Rajan Gupta
Dr. Virender Parshad**

**Chairman
Member (Judicial)**

Present: Mr. Ajaivir Singh, Advocate,
for the appellants.

None for respondents no. 1 & 2.

Mr. Rajesh K Sheoran, Advocate with
Mr. Hardeep Singh Poonia, Advocate,
for respondent no. 3.

ORDER:

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against order dated 25.09.2024 passed by the Authority¹ at Gurugram. Same reads as under:

“The present complaint has been filed on 08.08.2024 and registered as complaint no. 3828 of 2024. The matter was listed for hearing on 27.11.2024. In the meanwhile an application under section-36 of the Act has been filed on behalf of the complainants on

¹ Haryana Real Estate Regulatory Authority, Gurugram

11.09.2024 whereby the complainants are seeking directions to refrain the respondents from creation of third-party rights and to maintain status quo in respect of the unit booked bearing shop no. G-017 in the project i.e, "Ansals Hub 83 Boulevard".

The counsel for respondent No.2 has handed over a copy of reply to the application u/s 36 of the Act to the counsel for the complainant during the proceedings and further states that in fact, the complainant has paid only an amount of Rs. One Lakh and the balance amount claimed to have been paid is only an adjustment by respondent No.1 with respect to a different project Further, respondent No.2 is not the confirming party in the agreement for sale in the matter. She further states that third party rights have been created in the unit.

In view of the above, the application u/s 36 of the Act stands disposed off.

Matter be put up before the full bench on 26.11.2024 for further proceedings.”

2. On 04.04.2025, this Bench directed that third party rights if any created during the pendency of litigation would be governed by the doctrine of *lis pendens*. Respondent-promoter was made conscious of the legal aspect. It was also directed that copy of the order would be prominently displayed on its web portal.

3. During the pendency of this appeal, this Bench has been apprised that third party rights had already been created. As no information was furnished to this Bench as to when third party rights have been created and the manner it has been done, therefore, show cause notice was issued to the Directors of the respondent-company as to why action under Section 64 of the Act be not initiated against them. In reply to the show cause notice, learned counsel for the respondent today seeks to file an affidavit of Mr. Ajay Jain, Authorised Representative of M/s Samyak Projects Pvt. Ltd. (respondent no. 3). He has referred to para 11 thereof, which reads as under:

“11. Today when appellant failed to submit BBA regarding the unit G-17 at **Ansal Hub Boulevard-83**, project and any receipt of payment in this project, except one receipt of one Lakh, then answering respondent has created third party rights on dated 24.07.2024 in favour of one Mr. Saurbah Rawat R/o Kundeshwari, Kashipur, Udham Singh Nagar, Kashipur, Utrakhand-244713. Due to the present litigation Mr. Saurbah Rawat not interested in the shop in question and asked the answering respondent to refund his amount, then amount received from Mr. Saurabh Rawat has been refunded on 28.01.2025. Now the Unit No. G-017 is in the inventory of Answering Respondent.

It is specifically submitted here that appellants had submitted the receipts (**Annexure A-3**) issued by **Ansal Housing Ltd.** of adjustments of amount of another project i.e. **Ansal Heights 86** except one receipt which is only of Rs.1,00,000/- (Rupees One Lac only), without submitting any BBA. So, from the above receipt, it is clear that appellants had never booked the shop in the project **Ansal Hub Boulevard-83.**”

4. A perusal of the aforesaid para shows that unit G-017 is now in the inventory of respondent no. 3. Admittedly, complaint is still pending before the Authority at Gurugram.

5. Learned counsel for the appellant prays that as the unit is now free from encumbrances, it would be left to the Authority to adjudicate upon the issues raised by the allottees in its complaint pending before it.

6. Learned counsel for the respondent has no objection to this.

7. We thus hereby dispose of the present appeal with a direction to the Authority to take up the complaint at the earliest, in any case, not later than 15th May, 2026 and proceed further with the matter.

8. Needless to observe that the unit which is now in the inventory of respondent no. 3, shall not be sold till the culmination of the proceedings of the complaint. The Authority shall also ensure that the complaint is disposed of expeditiously preferably within a period of six months.

9. Appeal is disposed of.

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

11. File be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad
Member (Judicial)

17.04.2026
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