

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**CM No. 937 of 2023 in/and  
Appeal No.475 of 2023**

**Date of Decision: May 06, 2026**

1. Haryana Urban Development Authority (Now Haryana Shehri Vikas Pradhikaran), HUDA Office Complex, C-3, Sector 6, Panchkula, through its Chief Administrator.
2. Haryana Urban Development Authority (Now Haryana Shehri Vikas Pradhikaran) through its Estate Officer, Panipat.

----Applicant-Appellants

Versus

1. Haryana Real Estate Regulatory Authority, Sector 1, Panchkula.
2. Urmila Rani w/o Tarsem Chand, R/o Anaj Mandi, Plot No. 97, Cheeka, District Kaithal (Haryana).

----Respondents

**CORAM:**

**Justice Rajan Gupta  
Dr. Virender Parshad**

**Chairman  
Member (Judicial)**

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

None for the respondents.

**ORDER:**

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

In the accompanying appeal, challenge has been made to order dated 24.08.2021 passed by the Haryana Real Estate Regulatory Authority, Panchkula in Complaint No. 1873 of 2019.

2. The appeal is accompanied by an application seeking condonation of delay of 701 days in filing the appeal. In the application, it is averred that copy of order dated 24.08.2021 was received by the applicants on 24.09.2021. The file

remained with the ADA till 11.04.2022 for legal opinion and thereafter, it remained pending with the Estate Officer till 18.08.2022. Ultimately, appeal was filed before this Tribunal on 10.08.2023. It is further averred in the application that if the delay in filing the appeal is not condoned, the applicant-appellants would suffer irreparable loss and injury.

3. Respondent no. 2 filed reply to the application seeking condonation of delay and averred that the reasons advanced in the application for delay are baseless and unacceptable. It is further averred therein that the instant appeal was filed after respondent No. 2 preferred execution application before the RERA Authorities, Panchkula and the ground that the file kept on moving from one desk to another does not validate the reason for delay.

4. It is pertinent to mention here that the applicant-appellants did not file any affidavit in support of the application seeking condonation of delay at the time of filing of appeal. However, the applicant-appellants, through the affidavit of its responsible officer, namely, Shri Devendra Sharma, Estate Officer, filed during the proceedings, justiciably explained the delay in filing of the appeal. Para 2 thereof is reads as under :

*“2. That it is submitted that copy of order dated 24.08.2021 passed by RERA was received through vide Diary No. 6574 dated 05.10.2021 by the applicant/respondent instead of 24.09.2021. Thereafter, file was pending with concerned officials till 01.12.2021, however, the file was marked to ADA for legal opinion on 18.10.2021, but ADA received the file on 01.12.2021 and sent the file to concerned official with some query on same date. Legal opinion given by the ADA on 11.04.2022 and file sent to the*

*concerned official. On 18.08.2022, the file was again marked to ADA for referring the matter to higher authority. Thereafter, ADA transferred on 08.09.2022 from this office and seat of ADA was vacant till the filing of present Appeal and the matter was sent from one to another for further necessary departmental decisions.”*

5. Learned counsel for the applicant-appellants 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).***

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

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

8. Needless to observe that the applicant-appellants are entities of State of Haryana. The grounds mentioned in the application seeking condonation of delay and explanation given in the above-referred affidavit speak in volume that the officials/officers of the applicant-appellants 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 resulted in inordinate delay which cannot be condoned as a matter of routine by adopting a liberal approach.

9. 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.

10. 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.

11. In view of the above ratio of law, we revert to the facts of the case in hand. The Authority, vide the impugned order dated 24.08.2021, granted the following relief to the complainant in Complaint No. 1873 of 2019 :

*“4. Now the respondents are directed to send a fresh offer of possession to the complainant along with a fresh statement of accounts. Since possession of the plot has not been taken by the complainant on account of fault in the part of the respondent in not being able to offer the plot of originally agreed size, therefore, respondent shall not charge any delay interest from the complainant. The respondent shall also provide statement of accounts to the complainant along with the offer of possession duly incorporating therein the interest to be paid to the complainant on account of delay caused in offering possession. If complainant feels further aggrieved in any manner with the statement of account of offer of possession so issued by the respondent, they will be free to file a fresh complaint before this Authority. Disposed of in above terms.”*

12. This shows that the rights of respondent No. 2- Smt. Urmila Rani, a female, in respect of residential plot were decided. The copy of the impugned order was obtained by the applicant-appellants on 20.09.2021, but thereafter, the Authorities of the applicant-appellants dealt with the file in a very casual and indifferent way, resulting into 701 days' delay in filing of the appeal. The grounds mentioned in the application and the explanation given in the above-referred affidavit dated 31.07.2025 submitted by Mr. Devendra Sharma, Estate Officer clearly spell out that the applicant-appellants

failed to discharge their official duties effectively and efficiently. The explanation given by the applicant-appellants 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-appellants, 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. File be consigned to records.

Justice Rajan Gupta,  
Chairman,  
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad  
Member (Judicial)

May 06, 2026  
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