

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.42 of 2025 (O&M)

Date of Decision: 20.05.2026

1. Rajan Sharma son of Late Shri C.P. Sharma;

2. Charu Sharma wife of Rajan Sharma

Both residents of Greenwood City, Sector 46, Gurgaon, Haryana

...Appellants

Versus

1. Advance India Pvt. Ltd. having registered office at 232 B, 4th Floor,
Okhla Industrial Estate, Phase-III, New Delhi 122002

2. Anant Raj Ltd. having registered office at CP-1, Sector 8, IMT,
Manesar, Haryana

...Respondents

CORAM:

Justice Rajan Gupta
Shri Virender Parshad

Chairman
Member (Judicial)

Present: Mr. Aayush Gupta, Advocate and
Mr. Rishab Garg, Advocate,
for the appellants.

Mr. Sandeep Verma, Advocate and
Ms. Svetlana, Advocate,
for respondent No.1 (AIPL).

Ms. Archi Maggo, Advocate,
for respondent No.2 (Anant Raj Pvt. Ltd.)

ORDER:

Rajan Gupta, Chairman (Oral):

Challenge in the present appeal has been made to order dated 10.04.2024 passed by the Adjudicating Officer of HRERA¹, Gurugram. Operative part thereof reads as under:

“I find no weight in this objection raised by the DH.

¹ Haryana Real Estate Regulatory Authority, Gurugram

Even if, it was in benefit of all allottees that their units be leased out collectively to fetch more rent, why promoter be allowed to lease out single unit of present DH "INDIVIDUALLY". If individual unit is being leased out, then allottees are better persons to watch their own interest. Learned counsel for JD has agreed to delete word 'individually' from said para no. 5 of addendum.

DHs submitted further that alongwith 'agreement for sale' or 'addendum' to it, copy of sectioned site plan (latest) should also be annexed, as part of agreement for sale. Learned counsel for JD has no objection in filing copy of site plan, as part of BBA.

Learned counsel for JD submits that her client is ready to execute BBA, after amending draft of BBA and addendum in view of this order. DHs do not agree to sign draft BBA and addendum submitted by JD, even after modification as described above.

Through order under execution, the authority directed respondents to execute buyers Agreement, with the complainants. When complainants don't want to execute the same, as per their own application (Booking Form), respondent can not be blamed. In such a circumstance I have no option but to dismiss execution petition. Same is thus dismissed. File be consigned to the record room."

2. Mr. Gupta has assailed the aforesaid order. According to him, the Adjudicating Officer could not have gone beyond the decree. The insistence on the decree holder to agree to the addendum to 'agreement to sell' is totally misconceived. Besides, the conclusion arrived at by him would leave the decree un-executed and its fate would be unknown. Thereafter, an application under Section 39 was moved for review of the aforesaid order. However, it met the same fate. The order being short and cryptic in nature, he prays that same be set aside and matter be remitted to the Executing Court for decision fresh.

3. Mr. Verma has controverted the submissions made by Mr. Gupta. He has stated that another complaint was preferred by the appellant; however, same was dismissed being not maintainable. Admittedly, all the execution petitions have been transferred to the Authority in view of judgment dated 24.04.2025 passed by the Hon'ble Punjab and Haryana High Court in C.W.P. No. 14937 of 2024 titled as M/s. Vatika Ltd. vs. Union of India & Ors.

4. This Bench does not intend to express any opinion on the merits of the case. However, it feels that the order is cryptic and non-speaking. The relevance of the addendum agreement has not been elaborated. It has not been made clear whether same is within the ambit of the decree or outside. This Bench, thus, feels that the matter needs to be remanded to the same Authority for decision afresh.

5. Appeal is thus allowed. Impugned order is set aside.

6. The Executing Court shall take decision afresh after affording opportunity of hearing to the parties. It shall not be swayed by any of the observations made by the Adjudicating Officer.

7. Parties are directed to appear before HRERA, Gurugram on 29.05.2026.

8. Copy of this order be sent to the parties/their counsel and the Secretary, HRERA, Gurugram.

9. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad
Member (Judicial)

20.05.2026
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