

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.489 of 2024

Date of Decision: March 27, 2026

Keystone World Pvt. Ltd. A-130, First Floor, Neeti Bagh, New Delhi

Appellant.

Versus

Haryana Real Estate Regulatory Authority, Gurugram, New PWD Rest House, Civil Lines, Gurugram

Respondent

Present: Mr. Karan Kaushal, Advocate for the appellant.
Mr. Siddhant Arora, Advocate for the respondent.

CORAM:

Justice Rajan Gupta
Dr. Virender Parshad
Dinesh Singh Chauhan

Chairman
Member (Judicial)
Member (Technical)

O R D E R:

RAJAN GUPTA, CHAIRMAN:

Present appeal is directed against the order dated 29.04.2024, passed by the Authority¹. Same reads as under:

“Approved subject to depositing of the deficit late fee already conveyed as its waiver cannot be considered by the Authority. Further, the applicant promoter is BIP holder granted by DTCP with approval of plans in respect of phase-II which shall have independent services and amenities. The DTCP has conveyed technical approval of service plan and estimates subject to depositing the BG of Rs.47 lakhs which is being submitted to the DTCP within this week and the promoter will submit approved service plans and estimate within one month along with BG of Rs.25 lakhs for submission of EC within three months from the date of

¹ Haryana Real Estate Regulatory Authority, Gurugram

registration failing which legal consequences will follow.”

2. Learned counsel for the appellant has assailed the impugned order on the ground that the objections submitted by the appellant against imposition of late fee of Rs. 25,91,017 /- were not considered. As the objections of the appellant were not dealt with, the order under challenge is non-speaking in nature and has been passed in violation of principles of natural justice. It is further submitted that recommendations made by the Planning Executive along with Chartered Accountant rest merely on their *ipse dixit*, which ought not to have been accepted by the Authority without independent application of mind. The imposition of late fee, being punitive in nature, ought to have been approached with due caution. The Authority should adopt a facilitative approach towards the initiation of projects rather than one that stifle them.

3. Per contra, learned counsel for the respondent has supported the impugned order contending that the same is legal and valid. It is submitted that the representation filed by the appellant was duly considered and impugned order was passed after granting adequate opportunity of hearing to the appellant. Accordingly, dismissal of the appeal has been prayed for.

4. We have heard learned counsel for the parties and given careful thought to the facts of the case.

5. On perusal of the impugned order, it is evident that while the Authority has recorded the conclusion that the deficit late fee is liable to be deposited and that waiver cannot be

granted, the order does not set out the reasons which forms the basis of such conclusion. The representation dated 28.03.2024 submitted by the appellant against the imposition of late fee, though admittedly on record, does not appear to have been considered or dealt with in the impugned order. The order also lacks particulars regarding the computation and basis of the late fee, thereby rendering it non-speaking.

6. It is well settled that the principles of natural justice mandate that objections raised by a party must be duly considered and addressed. An order that merely records conclusions without reasons or without dealing with material allegations made by a party will render the order non-speaking and vitiated in law. Where the applicability of a statutory provision namely Section 3 of RERA Act along with the factual matrix mentioned by the promoter raise debatable issue that 'whether a timeline existed or whether registration could have been sought earlier' same ought to have been adverted to and decided on the basis of material on record.

7. In ***Brijmani Devi v. Pappu Kumar***², Hon'ble Supreme Court, after reiterating the principles laid down in ***Kranti Associates Pvt. Ltd. V. Masood Ahmed Khan and others***³, held that a quasi-judicial authority must engage in a thorough examination of the issues and provide a reasoned decision. This is crucial for maintaining the integrity of the adjudicatory process.

² (2022) 4 SCC 497

³ (2010) 9 SCC 496

8. In ***Binod Behera v. Tahasildar, Oupada***⁴. **Orissa High Court in** Paragraph 9 opined as under :

“9. In Commissioner of Police, Bombay v. Gordhandas Bhanji, AIR 1952 SC 16, Justice Vivian Bose in his inimitable style held that the public orders, publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in his mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to affect the acting and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself.”

9. Apart from above, it is clear that the order passed by the Authority is wholly cryptic and bereft of reasons. Any attempt to justify non-speaking and cryptic order by an affidavit filed during course of appellate proceedings has to be rejected. In **Assistant General Manager State Bank of India and another v. Tanya Energy Enterprises through its Managing Partner Shri Alluri Lakshmi Narasimha Varma**⁵, Hon'ble Supreme Court held that validity of an order, which is under challenge in the proceedings, must be tested on the basis of ground(s) mentioned in support thereof; and any additional ground, to support the order under challenge, cannot be allowed to be raised in the reply affidavit or in course of arguments. Relevant paragraph thereof is extracted below for ready reference:

“35. To refresh our memory, the aforesaid decisions are authorities for the proposition that validity of an order, which is under challenge in the proceedings, must be tested on the basis of the ground(s) mentioned in it in support

⁴ 2019 Supreme (Ori) 128

⁵ Civil Appeal No. 11134 of 2025, decided on 15.09.2025

thereof; and any additional ground, to support the order under challenge, cannot be allowed to be raised in the reply affidavit or in course of arguments. The underlying principle is that an order which is bad in the beginning may, by the time it comes to court on account of a challenge, get validated by additional grounds later brought out....”

10. It may be noted that the Act seeks to regulate and promote the real estate sector while simultaneously safeguarding the interests of consumers. In doing so, the Authority is required to act in a fair, transparent and reasoned manner.

11. In view of the aforesaid, particularly the fact that the impugned order is non-speaking in nature and has been passed without due consideration of the objections/representation submitted by the appellant, the same can not be sustained. Accordingly, the impugned order is set aside and the matter is remanded back to the Authority for fresh consideration in accordance with law. The Authority shall pass a reasoned and speaking order after duly considering the submissions of the appellant and affording an adequate opportunity of hearing at the earliest in any case not later than four months.

12. The appeal is allowed in the manner indicated above.

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

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)

March 27,2026/mk