

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 474 of 2023

Date of Decision: April 10, 2026

RWA MAPSKO GARDEN ESTATE, Sector 26, 26a & 27 through its authorized representative/secretary, Mr. Naveen Kumar, H. No. MB-50, MPSKO Garden Estate, Sector 26, Sonapat, Haryana-131001

Appellant

Versus

M/s Mapsko Builders Pvt. Ltd., 52, North Avenue Road, Punjabi Bagh West, Delhi-26

Respondent

CORAM:

**Justice Rajan Gupta
Dinesh Singh Chauhan**

**Chairman
Member (Technical)**

Present: Mr. Saurabh Sachdeva, Advocate for the appellant.

Ms. Sandhya Gaur, Advocate for the respondent.

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ORDER:

RAJAN GUPTA, CHAIRMAN

Challenge in the present appeal is to order dated 04.05.2022 passed by the Authority¹. Operative part thereof reads as under:

“7. After hearing arguments of both the parties and considering their written submissions, Authority is of the view that respondent has already received Part Completion Certificate qua the project from the Department of Town & Country Planning, Haryana on 26.02.2014 vide memo No. LC-1501-Vol-III-JE (BR)- 2014/4182. Copy of the same was submitted by counsel for the respondent later on after the hearing. Grant of Part Completion Certificate creates a presumption that respondent has installed all infrastructural facilities as per the approved plans. Issue remains in regards to connection of those facilities with the external work. Responsibility to complete external work remains with the concerned departments such as HUDA, UHBVN etc. Hence,

¹ Haryana Real Estate Regulatory Authority, Panchkula

respondent-promoter has completed all the facilities at their own level, there is no deficiency as such at their level. Since the project has received Part Completion Certificate and complainant association has failed to place on record evidence to show deficiencies in the services by the respondent. Therefore, Authority considers this complaint is not maintainable.

8. Further, Authority directs the respondent to hand over the possession of the colony to authorised Residents Welfare Associations. They should issue public notice calling upon registered RWA with 51% majority of allottees to take the possession of the colony and undertake maintenance activities of the colony.

9. Disposed of in above terms. File be consigned to record room.”

2. After the aforesaid order was passed, the appellant-association also preferred an application under Section 39 of the Act² for rectification of the order. However, the same was dismissed vide order dated 09.05.2023 with the observation that there is no scope under Section 39 of the Act for reviewing or amending substantive part of the order.

3. Before this Bench, it has been vehemently argued that Mapsko Builder Pvt. Ltd. failed to provide all facilities. It has, thus, breached the terms of allotment/agreement.

4. As factual issues were raised before this Court, the Bench sought an affidavit from one of the Directors of the promoter-company as to whether all facilities have been provided in the project in question. An affidavit dated 13.05.2025 was filed by Mr. Pankaj Singla, Director of the respondent-company. Paragraph 3 thereof reads as under:

“3. I say that Appellant had approached the Ld. Haryana Real Estate Authority, Panchkula (‘Ld. Authority’) by way of Complaint bearing No. 230 of 2021, alleging deficiency in basic facilities and amenities in the project which are part of the license and enumerated in para 6 below. Since, the project had

² The Real Estate (Regulation and Development) Act, 2016

been granted Part Completion Certificate by DTCP through its office Memo No. LC-1501-Voll-III-JE(BR) 2014/4152 dated 26.02.2014, the Ld. Authority dismissed the complaint while observing that grant of Part Completion Certificate is indicative of the fact that all infrastructural facilities to be installed by the promoter-developer/respondent herein have been installed.”

5. A copy of the affidavit was thereafter forwarded to the Director, Town and Country Planning with a direction that he would depute an official to assist the Bench as regards veracity of averments made in the affidavit. On 28.01.2026, when the case was taken up, Mr. Pardeep Singh Dhanda, Deputy District Attorney sought to place on record detailed affidavit of Mr. Ajmer Singh, District Town Planner, Sonipat, in view of the assistance sought by the Bench vide order dated 11.07.2025, giving status of infrastructure and facilities provided by the developer at the project in question. The affidavit referred to (i) 33 KV electric sub station; (ii) STP or connection of sewerage to main line of the City; (iii) construction of Club/Community Sites; (iv) Water Supply; (v) Development of Parks and Green Belts; (vi) Construction of Internal Roads; (vii) Storm Water Drainage System and (viii) Installation of Rainwater Harvesting System.

6. In column-wise details given in the affidavit, technical aspects of the facilities were highlighted. On perusal of the affidavit, this Bench finds that all facilities have been provided by the developer in the project in question. It appears that the Association is unnecessarily raising frivolous issues which lack merit.

7. As observed above, in view of the factual questions raised before this Bench, the only option available to it was to seek a report from an independent authority. It thus, sought assistance of the office of DTCP which issued Part Completion Certificate. It is evident that the said office deputed its Local District Town Planner, namely, Mr. Ajmer Singh to visit the site and give a report. The said officer gave a report containing all

technical details as regards the facilities provided, as enumerated in paragraph No. 4 of the affidavit dated 13.05.2025.

8. We, thus, find that the appellant-Association is indulging in frivolous and luxury litigation. The appeal is thus, dismissed. Normally, such an appeal ought to have been dismissed with exemplary costs but as the appellant-Association claims to be working for the welfare of the allottees, this Bench is refraining from doing so.

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

10. File be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan
Member (Technical)

April 10, 2026
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