



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 976 of 2026

Lokesh Garg & Ruchi Garg

.....Complainant

VERSUS

1. Ashiana Reachtech Pvt. Ltd.

2. Movish Reachtech Pvt. Ltd.

3. Mohit Garg

....Respondent(s)

CORAM : Dr. Geeta Rathee Singh

Date of Hearing:- 21.07. 2026

(Re-opened)

Present:- Adv. Arun Kumar, Ld. Counsel for the Complainant through VC.

Adv. Kamal Jeet Dahiya , Ld Counsel for the Respondent no. 1 & 2
through VC.

ORDER : DR. GEETA RATHEE SINGH -(MEMBER)

1. The present civil miscellaneous is generated in form of complaint with the Authority for restoration of execution no. 944 of 2025. Aforesaid execution petition was dismissed in default for want of prosecution vide order dated 12.05.2026

2. It is averred in the complaint that the aforesaid execution petition was dismissed in default due to non appearance of counsel. The complainant has further prayed for setting aside of the order dated 12.05.2026 and restoration of execution petition at its original stage and number.
3. Ld. Counsel for the complainant appeared and submitted that his absence on date fixed was neither intentional nor deliberated and occurred due to illness.
4. Per contra, ld. counsel appearing on behalf of respondent no.1 & 2 objected that restoration of execution and contended that under Real Estate (Regulation and Development) Act,2016, this Authority has no power to review its own order.
5. Authority observes that the present complaint does not seek reconsideration on merits, nor does seek modification, alteration or reversal of the order on substantive grounds. The distinction between review on merits and procedural recall/ restoration is well settled. For this reliance can be placed upon Haryana Suraj Malting Ltd. v. Phool Chand are (2018) 16 SCC 567, AIR 2018 SC 2670.

"Furthermore, different considerations arise on review. The expression "review" is used in the two distinct senses, namely (1) a procedural review which is either inherent or implied in a court or Tribunal to set aside a palpably erroneous order passed under a misapprehension by it, and (2) a review on merits when the error sought to be corrected is one of law and is apparent on the



face of the record. It is in the latter sense that the court in Patel Narshi Thakershi case held that no review lies on merits unless a statute specifically provides for it. Obviously when a review is sought due to a procedural defect, the inadvertent error committed by the Tribunal must be corrected ex debito justitiae to prevent the abuse of its process, and such power inheres in every court or Tribunal." (Emphasis supplied)"

In the present case, the execution petition was not dismissed after adjudication on merits but was dismissed due to absence of counsel. Therefore, allowing restoration of the execution petition would not amount to review or reopening of concluded finding. It would merely afford the complainant an opportunity to prosecute the execution proceedings.

6. Application for restoration is **Disposed of**. Further, office is directed to restore the execution petition at its original stage and number.



DR. GEETA RATHEE SINGH
[MEMBER]