

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**Appeal No.201 of 2025**

**Date of Decision: July 20, 2026**

Express Projects Pvt. Ltd. having Office at 810, SuryaKiran Building,  
19, Kasturba Gandhi Marg, Connaught Place, New Delhi

... Appellant

Versus

Mrs. Nirmal Gupta w/o Late Sh. Jai Bhagwan Gupta, R/o H. No.  
ND-7, 1<sup>st</sup> Floor, Vishakha Enclave, DAV School, Pitampura,  
Saraswati Vihar, North West Delhi-110034.

... Respondent

**CORAM**

**Justice Rajan Gupta**  
**Dinesh Singh Chauhan**

**Chairman**  
**Member (Technical)**

**Present:** Mr. Kamal Jeet Dahiya, Advocate,  
for the appellant.

Ms. Prakriti Kashyap, Advocate for  
Mr. Vivek Sethi, Advocate,  
for the respondent.

**ORDER:**

**RAJAN GUPTA, CHAIRMAN**

Present appeal has been filed against the order dated 10.12.2024 passed by the Authority, Panchkula<sup>1</sup>, in Complaint No. 1457 of 2022. By the said order, the Authority rejected the preliminary objection raised by the respondent-promoter regarding the impleadment of the legal heirs of the original complainant and directed that the complaint be listed for final arguments. The operative part of the order reads as under:

*"4. On perusal of file it is revealed that surviving members certificate as stated by the ld. counsel for the complainants*

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<sup>1</sup>Haryana Real Estate Regulatory Authority, Panchkula

*is annexed in the file and it mentions all the surviving members. Therefore, there is no ambiguity with respect to the fact that Nirmal Gupta, Ekta Agarwal, Aman Gupta and Shiwank Gupta are the surviving members. Therefore, objection raised by ld. counsel for the respondent is rejected.*

*5. Cases to come up for arguments on 04.02.2025."*

2. Factual matrix of the case is that the original complaint was filed before the Authority by Mrs. Nirmal Gupta, wife of late Sh. Jai Bhagwan Gupta (deceased allottee) along with three other legal heirs of deceased allottee, seeking relief against the promoter. The complaint continued in the names of Nirmal Gupta, Ekta Agarwal, Aman Gupta and Shiwank Gupta, who claimed to be the surviving legal heirs of the deceased-allottee. The record shows that while the initial notice and Proforma-B reflected only the name of Mrs. Nirmal Gupta, the subsequent orders passed by the Authority from 23.01.2024 onwards mentioned all four persons as complainants. A surviving members certificate issued by the Revenue Department, Government of NCT of Delhi, was also placed on record showing the names of all the surviving family members.

3. The promoter raised a preliminary objection before the Authority contending that the legal heirs could not be treated as complainants without filing a formal application for their impleadment. It was further argued that a surviving members certificate was not sufficient and that a succession certificate or other conclusive proof of legal heirship ought to have been produced before permitting them to continue the proceedings.

4. After examining the record, the Authority rejected the objection. It observed that the complaint itself referred to "Nirmal Gupta and others" and that the names of all the surviving members were mentioned therein. The Authority also found that the surviving members certificate issued by the competent Revenue Authority

clearly recorded Nirmal Gupta, Ekta Agarwal, Aman Gupta and Shiwank Gupta as the surviving members of the deceased. The Authority further noted that the objection had been raised only at the 12th hearing and appeared to be a technical plea intended to delay the proceedings. Since there was no ambiguity regarding the identity of the surviving members, the Authority held that no further document was necessary at that stage and accordingly rejected the objection. The matter was thereafter fixed for final arguments.

5. Aggrieved by the said order, the promoter has preferred the present appeal before this Tribunal. The promoter contends that the Authority wrongly permitted the legal heirs to continue the complaint without a formal impleadment application and without insisting upon a succession certificate. It is also argued that the impugned order is without proper reasoning and contrary to law.

6. We have heard learned counsel for the parties and have carefully perused the record.

7. The impugned order is purely an interlocutory order. It does not decide the rights of the parties on the merits of the complaint. The only issue considered by the Authority was, whether the surviving legal heirs of the deceased allottee could continue the proceedings.

8. The record clearly shows that a surviving members certificate issued by the competent Revenue Authority was placed before the Authority and that it specifically mentions Nirmal Gupta, Ekta Agarwal, Aman Gupta and Shiwank Gupta as the surviving members. The complaint itself also refers to "Nirmal Gupta and others" and contains the names of these persons. In these

circumstances, the Authority rightly accepted them as the legal representatives for the purpose of prosecuting the complaint.

9. We also find no merit in the contention that a succession certificate was mandatory. A succession certificate is not the only document by which legal representatives can be recognised in proceedings of this nature. At this stage, the Authority was only required to satisfy itself that the persons seeking to continue the complaint were prima facie the legal heirs of the deceased allottee, and the surviving members certificate sufficiently established that fact.

10. The Authority has also recorded valid reasons for rejecting the objection. It noticed that the objection was raised only at a much later stage of the proceedings after several hearings and appeared to be a technical objection intended to delay the matter. The order, therefore, cannot be described as a non-speaking or arbitrary order.

11. Accordingly, the appeal is dismissed.

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

13. File be consigned to records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan  
Member (Technical)

July 20,2026/mk