

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No: 228 of 2025
Date of Decision: 07.08.2026

Jotindra Infrastructure Limited registered office at 14/3
Mathura Road, Sector 45, Faridabad, Haryana-121003.

...Appellant

Versus

Haryana Real Estate Regulatory Authority, Panchkula, Mini
Secretariat, New Office Block, 2nd & 3rd Floor, Sector-1,
Panchkula 134114.

...Respondent

CORAM:

Justice Rajan Gupta

Chairman

Dinesh Singh Chauhan

Member (Technical)

Present: Ms. Manju Goyal, Advocate,
for the appellant.

Respondent already ex-parte.

Mr. Arnav Sharma,
for *Amicus Curiae*.

ORDER:

RAJAN GUPTA, CHAIRMAN

Present appeal is directed against order dated 19.02.2025 passed by the Authority at Panchkula. Despite repeated notices, respondent-HRERA, Panchkula failed to appear. As a result, it was proceeded ex-parte vide order dated 09.07.2025. At the time of issuing notice on 03.06.2025, the contention was raised before this Bench that the impugned order had been passed by the Executive Director, HRERA, Panchkula, who had no authority to pass an order of this nature. Besides, no opportunity

of hearing was afforded to the appellant before passing the order.

2. Faced with this situation, this Bench vide its order dated 26.08.2025, appointed Mr. Arnav Sharma as Amicus Curiae to assist this Bench. He has made his submissions today. As per him, the impugned order appears to be an extract of some resolution passed by the Authority, though he admits that judicial powers cannot be delegated to the Executive Director to decide the issue of this nature i.e. whether the benefit of delay occasioned due to the enforcement of GRAP III could be granted to the promoter. He submits that only the Authority is competent to decide such an issue. On being asked to show any order passed by the authority in this respect, he submits that no such order signed by a Coram of Members as envisaged by Section 34 of the Act, is available with him. On merits, he submits that force majeure is defined under Section 6 of the Act and scope of the same cannot be extended beyond the statutory provisions.

3. We have heard learned counsel for the parties.

4. We refrain from expressing any opinion on the merits of the case as the order, which we have before us, is signed by the Executive Director, HRERA, Panchkula. Since, no order signed by the Members of the Authority has been produced before us, we feel that the order under challenge is *non est*. As the case demanded a decision on legal issues, same should

have been decided by the Authority after affording opportunity of hearing of the parties.

5. As this has not been done, the impugned order is unsustainable and is liable to be set aside. Matter is remitted to the Authority for a decision afresh.

6. Parties shall remain present before the Authority on 31.08.2026. The decision shall be taken at the earliest in any case not later than three months.

7. Appeal is allowed in these terms.

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

9. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan
Member (Technical)

07.08.2026
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