

CM No. 699 of 2026 in/and

In Appeal No. 293 of 2022

Experion Developers Pvt. Ltd. v. Praveen Gambhir

Present: Mr. Aashish Chopra, Senior Advocate assisted by
Mr. Yash Pal Sharma, Advocate for the applicant-appellant.

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In the present application, the applicant seeks review of order dated 27.11.2025 passed by this Bench after affording full opportunity of hearing to the parties and going through the entire record.

3. Mr. Chopra, learned senior counsel for the applicant has vehemently submitted that the Authority erred in directing the appellant-promoter not to charge holding charges from the allottee while relying on the judgment of Hon'ble Supreme Court in Civil Appeal No. 3864-3889 of 2020—***DLF Home Developers Ltd. v. Capital Greens Flat Buyers Association and others***, decided on 14.12.2020. This fact escaped the notice of the Tribunal while disposing of the appeal.

4. We have considered the issues raised by learned counsel for the applicant.

5. A careful examination of the judgment in ***DLF Home Developers Ltd. (supra)*** would show that Hon'ble Supreme Court upheld the view taken by NCDRC in which it was clearly held that the promoter is not entitled to import holding charges on the allottee. Similar view has been followed by this Tribunal in numerous cases.

6. It needs to be mentioned that effort of the applicant is to re-agitate the issues already raised during hearing of the appeal. Re-hearing of a matter is not permissible in a petition for review. In ***Malleeswari v. K. Suguna and another***, SLP (C) No. 12787 of 2025, decided on 08.09.2025, Hon'ble Supreme Court laid down as under:

“15.5 The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors.”

7. Besides, law is well-settled on the point that the promoter is not entitled to levy holding charges on the allottee. A considered order was passed in this respect after appreciating the controversy.

8. In view of aforesaid observations, the application is hereby dismissed with no order as to costs.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan
Member (Technical)

June 03,2026.
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