

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**Date of Decision: July 01, 2026**

**(1) Appeal No. 08 of 2026**

M/s St. Patricks Realty Private Limited registered office at The Median, Central Park Resorts, Off Sohna Road, Sector-48, Gurugram, Haryana-122018.

Appellant

Versus

Neha Prasad, C-65, Central Park Flower Valley, Phase-I, Vill. Dhunela & Berka, Sector-29,30,32 & 33, Sohna, Gurugram.

Respondent

**(2) Appeal no. 10 of 2026**

M/s St. Patricks Realty Private Limited registered office at The Median, Central Park Resorts, Off Sohna Road, Sector-48, Gurugram, Haryana-122018.

Appellant

Versus

Rohit Bajaj B-10, Central Park Flower Valley, Phase-I, Vill. Dhunela & Berka, Sector-29,30,32 & 33, Sohna, Gurugram.

Respondent

**(3) Appeal no. 11 of 2026**

M/s St. Patricks Realty Private Limited registered office at The Median, Central Park Resorts, Off Sohna Road, Sector-48, Gurugram, Haryana-122018.

Appellant

Versus

Kumar Animesh, F-158, Central Park Flower Valley, Phase I, Vill. Dhunela & Berka, Sector-29,30,32 & 33, Sohna, Gurugram.

Respondent

**(4) Appeal no. 12 of 2026**

M/s St. Patricks Realty Private Limited registered office at The Median, Central Park Resorts, Off Sohna Road, Sector-48, Gurugram, Haryana-122018.

Appellant

Versus

Abhigyan Srivastava, F-18, Central Park Flower Valley, Phase I, Vill. Dhunela & Berka, Sector-29,30,32 & 33, Sohna, Gurugram.

Respondent

**(5) Appeal no. 13 of 2026**

M/s St. Patricks Realty Private Limited registered office at The Median, Central Park Resorts, Off Sohna Road, Sector-48, Gurugram, Haryana-122018.

Appellant

Versus

Ritu Anand, C-129, Central Park Flower Valley, Phase I, Vill. Dhunela & Berka, Sector-29,30,32 & 33, Sohna, Gurugram.

Respondent

**(6) Appeal no. 14 of 2026**

M/s St. Patricks Realty Private Limited registered office at The Median, Central Park Resorts, Off Sohna Road, Sector-48, Gurugram, Haryana-122018.

Appellant

Versus

Aakash Yadav, F-143, Central Park Flower Valley, Phase I, Vill. Dhunela & Berka, Sector-29,30,32 & 33, Sohna, Gurugram.

Respondent

**(7) Appeal no. 15 of 2026**

M/s St. Patricks Realty Private Limited registered office at The Median, Central Park Resorts, Off Sohna Road, Sector-48, Gurugram, Haryana-122018.

Appellant

Versus

Sunil Kumar Gupta, C-64, Central Park Flower Valley, Phase I, Vill. Dhunela & Berka, Sector-29,30,32 & 33, Sohna, Gurugram.

Respondent

**(8) Appeal no. 16 of 2026**

M/s St. Patricks Realty Private Limited registered office at The Median, Central Park Resorts, Off Sohna Road, Sector-48, Gurugram, Haryana-122018.

Appellant

Versus

Yamini Mehra, C-62, Central Park Flower Valley, Phase I, Vill. Dhunela & Berka, Sector-29,30,32 & 33, Sohna, Gurugram.

Respondent

**Coram:****Justice Rajan Gupta  
Dinesh Singh Chauhan****Chairman  
Member (Technical)**

Present: Mr. Harshit Batra, Advocate, with  
Ms. Tanya, Advocate,  
Mr. Lokesh Madan, Authorised Representative,  
for the appellant.

Mr. Sushil Yadav, Advocate,  
for the respondent (in appeal nos. 08, 11, 12,15 & 16 of  
2026)

None for the respondents (in appeal nos. 10, 13 & 14 of  
2026)

**ORDER:****RAJAN GUPTA, CHAIRMAN**

This order shall dispose of above-mentioned appeals, as common questions of law and facts are involved therein. However, the facts have been extracted from Appeal No. 08 of 2026.

2. Present appeal is directed against order dated 19.12.2025 passed by the Adjudicating Officer of the Authority<sup>1</sup> at Gurugram in Complaint No. 5622 of 2025. Operative part thereof reads as under:

*“In spite of filing written reply, respondent filed application with a prayer to dismiss the complaint. It was clarified on previous date, that this forum is akin to a Tribunal, cases are decided by adopting summary procedure. Respondents were asked to file written reply, stating that all issues (including pre-issue about maintainability of complaint) will be decided together. No written reply is filed. Learned*

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<sup>1</sup>Haryana Real Estate Regulatory Authority, Gurugram.

*counsels insist to pass detailed order on their application. No need to pass any further order, all issues will be decided together. Now, Learned counsels for respondent requests for adjournment to file written reply. Allowed Written reply be filed till next date.”*

3. It is an admitted position that all allottees in the above-mentioned appeals have taken possession of their respective units and are presently residing therein. The Occupation Certificate to the project was granted in the year 2020 followed by offer of possession in 2021. As submitted by learned counsel, most allottees took possession in 2022. However, in the year 2025, the allottees filed complaints before the Adjudicating Officer (AO), inter alia seeking directions for construction of a boundary wall, development of a 24-meter road and compensation on account of alleged structural defects under various heads.

4. During the pendency of the complaints, the promoter moved an application seeking dismissal of the complaints on the ground of maintainability. The said plea was not accepted by the AO, who observed that all issues, including maintainability, would be decided together at an appropriate stage. Aggrieved by these observations, the promoter has preferred the present appeals before this Tribunal, challenging the maintainability of the complaints filed before the AO and assailing the impugned order.

5. Counsel for the appellant-promoter submitted that the impugned order is liable to be set aside as the Adjudicating Officer (AO) failed to appreciate the statutory scheme of Section 71 of the RERA Act read with Rules 28 and 29 of the Haryana RERA Rules. The Adjudicating Officer is empowered only to adjudicate on compensation aspect after conducting an inquiry in the manner prescribed by the Rules. Rule 28 specifically contemplates that a finding regarding violation of the Act by the promoter must first be established by the Authority before the matter is referred to the AO for determination of compensation. In the present case, the mandatory procedure prescribed under the Act and Rules was not followed and the complaints had not reached the stage where compensation could legally be adjudicated. By proceeding without

satisfying these jurisdictional prerequisites, the AO acted beyond the powers conferred on him under the RERA framework.

6. Counsel for the appellant further submitted that the objection raised by the it regarding maintainability and jurisdiction ought to have been decided as a preliminary issue before entering into the merits of the dispute. Instead of adjudicating this legal issue, the AO proceeded with the matter on merits, thereby causing serious prejudice to the appellant and defeating the legislative intent underlying the RERA Act. The impugned order, therefore, suffers from a patent jurisdictional error and material illegality and deserves to be set aside.

7. On the other hand, learned counsel for the respondent-allottee supported the impugned order, contending that the complaint has been rightly filed before the Adjudicating Officer, who has the requisite jurisdiction to adjudicate the same.

8. We have heard learned counsel for the parties and given careful thought to the facts of the case and the relevant rules.

9. Perusal of record shows that the reliefs claimed by the allottees include directions for construction of a boundary wall and development of a 24-meter road etc. Such directions pertain to development and completion of the project, which fall within the domain of the Authority and not the Adjudicating Officer. The Adjudicating Officer is vested with limited jurisdiction, primarily to adjudicate compensation under specific provisions of the Act. Therefore, such reliefs could not have been directly considered by the Adjudicating Officer.

10. Even with regard to the claim of compensation on account of alleged structural defects, the law requires that the complaint must be filed and processed in accordance with the procedure prescribed under Rules 28 and 29 of the Haryana RERA Rules, 2017. In the present case, the complaint combines multiple reliefs relating both to development works and compensation without following the prescribed procedure. Therefore, the complaints could not have been considered by the Adjudicating Officer.

11. The objection raised by the appellant-promoter regarding maintainability goes to the root of the jurisdiction of the Adjudicating Officer. Such an issue ought to be decided at the threshold before proceeding further in the matter. However, the Adjudicating Officer proceeded without deciding this issue, which is not in consonance with the settled legal principles.

12. In view of the foregoing discussion, we are of the considered opinion that the Adjudicating Officer has exercised jurisdiction not vested in him by law and has failed to exercise jurisdiction so vested in deciding the issue of maintainability at the appropriate stage.

13. Consequently, the appeals are allowed. The impugned order in all the above-mentioned appeals is hereby set aside and the complaints filed before the Adjudicating Officer are held to be non-maintainable.

14. Copy of this order be sent to the parties/their counsel and the Adjudicating Officer.

15. Files be consigned to records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan  
Member (Technical)

July 01, 2026

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