

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**Appeal No. 541 of 2025**  
**Date of Decision: 06.07.2026**

1. Mrs. Deepa Sinha;
2. Mr. Sanjeev Sinha Both C/o Late Sh. Ravindra Nath Sinha, R/o 'Mudita' 149/62, Baghambari Housing Scheme, Bhardwaj Puram, Allahpur, Allahabad, Uttar Pradesh, PIN-211006.

...Appellants

**Versus**

1. Ansal Housing and Construction Ltd. Registered office at 15 UGF, Indra Prakash, 21 Barakhamba Road, New Delhi-110001.
2. M/s Samyak Project Private Limited Registered office at 111, First Floor, Antriksh Bhawan, 22, Kasturba Gandhi Marg, New Delhi-110001.

...Respondents

**Coram:**

**Justice Rajan Gupta**

**Chairman**

**Dinesh Singh Chauhan**

**Member (Technical)**

Present: Mr. Ashish Kumar Sinha, Advocate,  
for the appellant.

None for the appellant no. 1.

Mr. H S Poonia, Advocate,  
for the respondent no. 2.

**ORDER**

**RAJAN GUPTA, CHAIRMAN:**

**CM No. 1519 of 2025**

This is an application seeking condonation of 03 days delay in filing of the appeal. Same is supported by an affidavit of Ms. Deepa Sinha, one of the appellants.

Learned counsel for the respondent no. 2 has not opposed the prayer for condonation of delay.

On perusal of the application, this Bench is satisfied that sufficient grounds are made out for condoning the delay. Accordingly, application is allowed. Delay of 03 days in filing the appeal is hereby condoned.

### **Main Appeal**

Present appeal is directed against order dated 15.04.2025 passed by the Authority at Gurugram. Same reads as under:

*“The present complaint was filed on 28.03.2023 and the reply on behalf of respondent was filed on 04.08.2023.*

*The complainant on 10.09.2024 filed an application under Section 36 of the Act, 2016 seeking directions refraining the respondent from creating third party rights and maintaining status quo in respect of the allotted shop as the complainants have already paid Rs.44,46,571/- against the sale consideration of Rs.1,47,30,820/- and the respondent no. 2 has issued a cancellation letter dated 13.12.2023.*

*The respondent no. 2 filed the reply to application u/s 36 stating that the respondent no. 2 is not the party to the contract hence has no liability against the complainant.*

*The complainant on 18.02.2025 submitted the additional documents wherein SOA dated 07.03.2016 and the reminders issued by the respondent no. 1 has been filed which proves that the respondent has accepted his booking application. R2 states that he is not the confirming party to the BBA and therefore, R2 is not liable to pay DPC.*

*The request made by the complainant is declined under section 36 of the Act 2016.*

*Matter to come up on 22.07.2025 for final arguments. ”*

2. Learned counsel for the appellant has assailed the order. According to him, the Authority has not appreciated the controversy in correct perspective and wrongly rejected

the application under Section 36 of the Act. Besides, the order is short and cryptic.

3. Learned counsel for the respondent, however, states that the matter is now fixed for final arguments. Thus, the entire issue can be decided by the Authority at the time of final hearing.

4. We have heard learned counsel for the parties and have given careful consideration to the facts and circumstances of the case.

5. A perusal of the order shows that out of total sale consideration of Rs.1,47,30,820/-, the complainant has already remitted an amount of Rs. 44,46,571/-.

6. We, thus, dispose of this appeal with a direction the Authority to decide the main case at the earliest, in any case, not later than four months. In case, no third party rights have been created till now, the respondents would maintain the status quo till final decision of the complaint.

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

8. File be consigned to the records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan  
Member (Technical)