

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Date of Decision : July 15, 2026

Appeal No. 1459 of 2025

1. Rohini Chaudhry aged 73 years, wife of Brig. M.A.K.Chaudhry,
2. Minoo Ashwani Kumar Chaudhary aged 76 years, son of Bhagwan Das Arora,

Both residents of GH-2/3A, Orchid Gardens Suncity, Sector 54,
Gurgaon, Haryana

--Appellants

Versus

M/s. Vatika Limited, Regd. Office at A-002, INXT City
Centre, Ground Floor, Block-A, Sector 83, Vatika India Next, Gurugram,
Haryana – 122012.

---Respondent

CORAM:

Justice Rajan Gupta
Shri Dinesh Singh Chauhan

Chairman
Member (Technical)

Present: Mr. Parvez Chugh, Advocate
for the appellants.

Mr. Kamal Jeet Dahiya, Advocate,
for the respondent.

ORDER:

Rajan Gupta, Chairman (Oral) :

CM No. 6060 of 2025

This is an application seeking condonation of 193 days delay in filing of the appeal. Same is supported by an affidavit of Mr. Minoo Ashwani Kumar Chaudhry, one of the appellants.

Learned counsel for the respondent has 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 193 days in filing the appeal is hereby condoned.

Main Appeal

1. Present appeal is directed against order dated 21.03.2025 passed by the Authority¹ at Gurugram in Complaint No. 636 of 2022, which reads as under :

“The present complaint was received on 24.02.2022 and reply on behalf of respondent was filed on 04.08.2022.

Case has been called out but no one appeared on behalf of the complainant today. This is the 13th hearing and the complaint was filed 3 years ago. The counsel for the complainant has appeared only once during the course of hearings. It is apparent that the complainant is not interested in pursuing the matter. In view of the above, the complaint is dismissed in default for non-appearance of the complainant. File be consigned to the registry.”

2. Mr. Chugh, learned counsel for the appellants submits that in case the order is allowed to stand, the appellants will suffer irreparable loss. He claims that the allottees have paid the entire consideration.

3. Stand of the learned counsel for the appellants is that non-appearance before the Authority was totally unintentional and due to the impression that settlement talks were in progress between the parties. The appeal is duly supported by an affidavit of Mr. Minoo Ashwani Kumar Chaudhry, one of the appellants.

4. Mr. Dahiya has vehemently opposed the plea for restoration of the complaint. As per him, there is no plausible reason given for non-appearance for a considerable period.

5. We have given due consideration to the issues involved.

6. It is evident that the complaint was filed by the allottees, who claim to have paid the entire consideration. The complaint having been dismissed for non-prosecution, the complainants would have no other forum for redressal of their grievance. It is for this reason they have knocked the door of the Appellate body.

¹ Haryana Real Estate Regulatory Authority, Gurugram

7. Keeping in view the entire facts and circumstances of the case, we feel that the complaint needs to be decided on merits.

8. Under these circumstances, the appeal is allowed and the impugned order is hereby set aside. The matter is remitted to the Authority for decision afresh with a direction to restore the complaint to its original number and position and decide the same on merits.

9. Parties shall remain present before the Authority on 04.08.2026.

10. Nothing observed hereinabove shall be construed to be an expression of our opinion on the merits of the case.

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

12. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan
Member (Technical)

July 15, 2026
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