

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 1559 of 2025

Date of Decision: September 30, 2026

Krishan Gopal Verma S/o Mr. Mohan Lal Verma, R/o9 H. No. B-47, B Block, Sewak Park, Utam Nagar, West Delhi, Delhi-110059

Appellant.

Versus

1. M/s Ramprastha Estate Pvt. Ltd., Office/residence: Plot No. 114, Sector-44, Gurgaon, Gurgaon, Haryana India-122002

2. Sh. Balwant Chaudhary, Director of M/s Ramprastha Estate Pvt. Ltd., Office/residence: Plot no. 114, Sector-44, Gurgaon, Haryana, India-122002

3. Sandeep Yadav, Office/residence: Plot No. 114, Sector-44, Gurgaon, Haryana, India-122002

4. Kuldeep Yadav, Plot No. 114, Setor-44, Gurgaon, Haryana, India-122002

5. Enforcement Directorate ED

(a) Gurugram Zonal Office, Near Sahara Mall on M.G. Road in Gurugram.

(b) Central Office at Pravartan Bhawan, Dr. A.P.J. Abdul Kalam Road, New Delhi-110011

Respondents

CORAM:

Justice Rajan Gupta

Chairman

Dinesh Singh Chauhan

Member (Technical)

Present: Mr. Lal Singh Thakur, Advocate with
Mr. Sidhant Verma, Mr. Prashant, Ms. Kavya and
Ms. Himani, Advocates for the appellant.

Mr. Kamaljeet Dahiya, Advocate and
Mr. Vivek K. Sharma, Advocate for the respondents.

ORDER:

RAJAN GUPTA, CHAIRMAN:

Present appeal is directed against order dated 08.12.2025, passed by the Secretary, Real Estate Regulatory Authority, Gurugram. Operative part thereof reads as under:

“1. All complaints, execution applications and related proceedings presently pending before HREERA, Gurugram, against M/s Ramprastha Promoters and Developers Pvt. Ltd. and its group entities, shall stand adjourned sine die.

2. The complainants shall, however, be at liberty to approach the Hon’ble PMLA Special Court, Gurugram, for redressal of their claims, as deemed appropriate in accordance with law.

Copy of order dated 30.09.2025 passed by the Authority is enclosed.

It is also intimated that as approved by the authority on 08.12.2025, in response to application dated 21.11.2025, you are again informed that you may approach the Hon’ble PMLA Special Court, Gurugram, for redressal of your claim or Hon’ble Appellate Tribunal as deem appropriate in accordance with law.”

2. It appears that a similar order, as above, was passed by the Secretary on 30.09.2025. The appellant approached the Hon’ble High Court by way of CWP No. 34333 of 2025. The said petition was disposed of on 19.11.2025 with liberty to the appellant to make an application before the Authority for adjudication of the case on merits. The order is reproduced hereunder:

“1. Learned counsel for the petitioner submits that by the impugned order dated 30.09.2025 (Annexure P-25), the case has been adjourned sine die and liberty has been granted to the petitioner to approach the PMLA Special Court,

Gurugram in view of the attachment of the assets by the Enforcement Directorate. He also submits that he is confining the prayer in this petition for withdrawal of this petition with liberty to make an application before the RERA for adjudication of the case on merits.

2. Issue notice to the respondents.

3. At the asking of the Court, Mr. Deepak Bhardwaj, Addl. A.G., Haryana accepts notice on behalf of respondent No. 1.

4. Heard

5. The petition is dismissed as withdrawn with aforesaid liberty.”

3. The matter was thereafter taken up by the Authority and it reiterated its stand that the property of M/s Ramprastha Promoters and Developers Pvt. Ltd. was under attachment of PMLA Special Court, Gurugram and thus, the appellant's remedy is only to approach the said court.

4. A perusal of the impugned order shows that the same has been passed by the Secretary of the Authority. It is inexplicable as to how an order, which is judicial in nature, can be passed by the Secretary, as judicial powers cannot be delegated to Secretary or any other official. Section 81 of the Act¹ is very clear on this issue. In ***M/s Newtech Promoters and Developers Pvt. Ltd. State of UP, 2022 (1) RCR (Civil) 367***, Hon'ble Supreme Court as observed as under:

“118. In the instant case, by exercising the power under Section 81 of the Act, the authority, by a special order dated 5th December, 2018 has delegated its power to the single member of the

¹ The Real Estate (Regulation and Development) Act, 2016

authority to exercise and decide complaints under Section 31 of the act and that being permissible in law, cannot be said to be dehors the mandate of the Act. At the same time, the power to be exercised by the adjudicating officer who has been appointed by the authority in consultation with the appropriate Government under Section 71 of the Act, such powers are non-delegable to any of its members or officers in exercise of power under Section 81 of the Act.”

5. Perusal of the observations made in **M/s Newtech Promoter’s case** (supra) shows that the Act² does not contemplate delegation of any judicial powers to any other official except a member of the Authority or the Adjudicating Officer, as the case may be. Otherwise also, delegation of judicial power is not in consonance with any law or the jurisprudence on the subject. Needless to observe that all these functions ought to be performed by the Authority in which this power is vested.

6. In view of the above, we hereby set aside the order passed by the Secretary. As we feel that the order passed by the Hon’ble High Court in C.W.P. No. 34333 of 2025 has not been complied with in letter and spirit, the matter is remitted to the same Authority for decision afresh after affording opportunity of hearing to the parties.

7. The appeal is allowed.

8. Needless to say that the Authority shall endeavour to dispose of the matter as expeditiously as possible.

² The Real Estate (Regulation and Development) Act, 2016

9. Parties are directed to appear before the Authority on 13.10.2026.

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

11. File be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan
Member (Technical)

September 30,2026
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