

Sangeeta Gupta
Vs.
Vatika Ltd. and another
Appeal No.620 of 2021

Present: Shri Arun Sharma, Advocate, Ld. counsel for the appellant.

(CASE TAKEN UP THROUGH VC)

Heard.

2. The complaint filed by the appellant was disposed of vide impugned order dated 18th February, 2021. Thereafter, the appellant-complainant filed an application dated 21st October, 2021 for recalling the order dated 18th February, 2021. The said application was summarily rejected by the Ld. Authority vide communication dated 22nd November, 2021 (Annexure A).

3. It shows that the order on the application for recalling the order dated 18th February 2021 has been passed by the competent authority without affording any opportunity of being heard to the appellant. The impugned order is also not a speaking order and even it is not known who has passed this order. This type of order is totally in violation of the principles of natural justice.

4. Thus, in our view, the present appeal can be disposed of by setting aside the communication dated 22nd November, 2021 and giving direction to the Ld. Authority to decide the application dated 21st October, 2021 moved by the appellant for recalling the order dated 18th February, 2021 by passing speaking order after affording opportunity of being heard to both the parties. If the grievance of the appellant still stands, then the appellant shall be at liberty to prefer the fresh appeal on the same cause of action raising all the pleas available to the appellant. Thus, we direct as detailed above.

5. The appeal stands disposed of accordingly.

6. The appellant is directed to appear before the Ld. Authority on 02nd March, 2022.
7. Copy of this order be sent to the appellant/Ld. counsel for the appellant and Ld. Authority for compliance and information through e-mail.
8. File be consigned to the records.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

15.02.2022
Manoj Rana