

Elan Avenue Ltd.  
Vs.  
HRERA, Gurugram  
Appeal No. 03/MT/2024

Present: Ms. Nitika Sharma, Advocate,  
for the appellant.

Appellant has posed challenge to order dated 04.09.2023 passed by the Haryana Real Estate Regulatory Authority, Gurugram (hereinafter called 'the Authority'), which reads as under:

*“The matter was considered by the Authority. The applicant promoter has applied for refund of late fees deposited vide DD No.061307 dated 14.11.2022 for an amount of Rs.1,31,21,352/- under protect. In this regard, registration was granted to the promoter for the project namely “Elan The Presidential” after compliance of the requisite formalities including deposit of late fee and subject to certain conditions. Order of the Authority has achieved finality and in view of the Authority, the Authority cannot review its own decisions. Therefore, at this stage the request of the promoter applicant does not merit consideration and is therefore, declined The applicant be informed accordingly.*

A perusal of the aforesaid order shows that the Authority has rejected the application for refund of amount of Rs.1,31,21,352/- on the ground that it cannot review its own decision. Thus, request of the promoter was declined.

Today, Ms. Saanvi Singla, Advocate has put in appearance on behalf the respondent-Authority.

Learned counsel for the appellant submits that there are certain other instances wherein late fee has been

refunded to the promoter on the basis of legal opinion that too without passing any order.

A query has been put to counsel for the respondent whether the above statement made by the appellant is correct. She submits that she needs some time to seek instructions.

Four weeks' time is granted.

It is directed that the Authority at Gurugram shall make its stand clear and produce relevant record on the next date of hearing.

It appears that number of cases relating to imposition of late fee on promoters are pending before this Tribunal. As the parameters for computing late fee need to be examined, no further orders judicial or otherwise, shall be passed by the Authority till the next date of hearing. Status quo be maintained.

List on 11.07.2024.

Copy of this order be sent to the Chairman, HRERA, Gurugram.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

31.05.2024  
Manoj Rana