

Makkar Buildcon Pvt. Ltd.
Vs.
HRERA, Gurugram and others
CM Nos. 262, 263 & 264 of 2024
In Appeal No. 140 of 2024

Present: Dr Anmol Rattan Sidhu, Sr. Advocate assisted by
Ms. Sandhya Gaur, Advocate,
Mr. Gurpreet Singh, Advocate,
for the appellant.

At the outset, Mr. Sidhu Sr. Advocate, has referred to an order passed by the Hon'ble High Court of Punjab and Haryana on February 28, 2024, operative part whereof reads as under:-

“4. Keeping in view the facts and circumstances as above, present petition is disposed of with petitioner being relegated to its remedy of appeal, which it is stated shall be filed within next one week. If that be so, let appeal be listed on priority within a week thereafter. We are sanguine that matter alongwith application for any interim relief, if any, shall be heard by learned Appellate Authority in accordance with law.”

2. He submits that aforesaid order was uploaded on 06.03.2024. Present appeal was preferred on 12.03.2024. It is, thus, well within the time granted by the Hon'ble High Court. He submits that statement was made before the Authority on 12.01.2024 and 08.12.2023 that the complainant and respondent no. 4 (M/s Splendor Buildwell Private Limited) were inclined to settle the matter amicably. They, thus, moved an application for referring the matter to the Adjudicating Officer for mediation. However, on the next date of hearing, i.e. 12.01.2024, the Authority observed that the appellant had not filed reply. It, thus, directed the Registry to issue a show cause notice to the appellant (M/s

Makkar Buildcon Private Limited) as to why penal action be not initiated against it. As per Dr Sidhu, on 16.02.2024 when the matter came up for hearing before the Authority, the Directors of the companies and individuals in whose favour third party rights had been created after cancellation of the unit were asked to appear in person. It was further observed as under:-

“It shall be the last opportunity to argue the matter finally and no further adjournment on the request of any party shall be granted and the matter shall be decided finally and penalty proceedings under Section 61 of the Act already initiated against the respondent for violation of provision of section 13 of the Act shall also be concluded. Till then the interim order w.r.t. status quo shall continue. Matter to come up on 22.03.2024 for further proceedings.”

3. Dr Sidhu submits that no application was ever moved by the parties for impleadment of the appellant as a party to the proceedings. However, certain harsh orders have been passed by the Authority without affording any opportunity of hearing to the appellant, even, without furnishing a copy of the complaint to it. He further submits that matter is still at the stage of pleadings. None of the parties have led any evidence in support of their stand. Besides, issue regarding mediation is still pending.

4. As per him, it is inexplicable as to how proceedings can be concluded by the Authority post-haste.

5. Issue notice to the respondents for 29.04.2024 through post, e-mail and dasti as well.

6. The Authority would adjourn the proceedings
beyond the next date fixed before this Tribunal.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

22.03.2024
Rajni