

M/s Lighstone Developers India Pvt Ltd.

Vs.

HRERA, Panchkula

CM No. 519 of 2024

In Appeal No.255 of 2024

Present: Mr. Neeraj Goel, Advocate,
for the appellant.

Respondent proceeded ex parte.

On the last date of hearing, the following order was passed, in this case:

“Learned counsel for the appellant has addressed at some length.

Certain queries have been posed to him as regards the procedure, if any, laid down in the Act/Rules for submission of quarterly progress reports QPRs and the provision under which penalty is being imposed. He prays for some time to examine and assist on this issue.

Learned counsel for the appellant submits that 30% of the penalty amount has been deposited along with the appeal in terms of proviso to Section 43(5) of the RERA Act. As an interim measure, it is directed that the appellant would not be liable to pay any further penalty during the pendency of this appeal.

List on 18.03.2025.

It is evident that certain complex legal issues arise in this case for which assistance is required. However, HRERA, Panchkula has failed to appear despite service, though the impugned order has been passed by it on administrative side. On the other hand, vide communication No.5203 dated 05.03.2025, HRERA, Panchkula has informed that notice may not be issued to it in the cases wherein it is impleaded as party. It appears that validity of such resolution needs to be examined in light of judgment passed by the Hon’ble Supreme Court in Civil Appeal Nos.3098-3099 of 2023 titled as

“Airports Economic Regulatory Authority of India v. Delhi International Airport Ltd. and others (See Para No.33)”. Besides it is not clear as to how resolution passed by the Authority would be binding on the higher courts

Mr. Luvinder Sofat, Advocate is appointed as an *amicus curiae* to assist this Bench.

List on 05.04.2025.

Interim order to continue till the next date of hearing.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)

18.03.2025
Manoj Rana