

India Bulls Housing Finance Ltd.

Vs.

HRERA, Gurugram & Others

Appeal No. 350 of 2020

Present: Mr. Randeep S. Rai, Sr. Advocate, assisted by
Ms. Rubina Virmani, Advocate,
for the appellant.

None for the respondents.

Mr. Rai has addressed at some length and referred
to the record.

Various orders passed by this Tribunal have been
perused. An order dated 09.12.2020 was passed, which reads
as under:

*“The appellant has filed an application for placing
on record the amended memo of parties impleading M/s
Supertech Limited promoter as respondent no. 2. The
application is allowed. The amended memo of parties is
taken on record.*

*Sh. Harsh Goyal, Advocate, has filed the memo of
appearance on behalf of the respondent no. 2. He
undertakes to file the vakalatnama alongwith board
resolution on the next date of hearing.*

*Ld. counsel for the appellant contended that the
directions issued by the ld. Authority are causing
hindrance for the functioning as the appellant is only a
financial institution which does not fall in the definition
of the promoter by any stretch of imagination.*

We have perused the impugned order.

*We find some prima-facie substance in the plea
raised by the ld. counsel for the appellant.*

*Consequently, directions as mentioned in para no.
6(i) & 6(iii) issued by the ld. authority vide impugned
order are ordered to be kept in abeyance till the decision
of this appeal.*

*Now to come up on 21.01.2021 for arguments on
the main appeal.”*

It appears that in aforesaid order, it was observed that direction nos. (i) and (iii) be kept in abeyance. It is not clear as to what transpired pursuant to direction no. (ii) which was not stayed and whereby it was directed that forensic audit be conducted of the funds received in order to check any funds diversion. This question needs to be answered by the HREERA, Gurugram (Respondent no. 1 herein). It, however, remains unrepresented today. None has put in appearance on behalf of respondent no. 2 either.

In the interests of justice, adjourned to 08.04.2024.

Let intimation of next date of hearing be sent to the office of Chairman, HREERA, Gurugram.

Ms. Rubina Virmani may take steps to effect service on respondent no. 2. According to her, respondent no. 2 is to be represented by IRP now.

Photocopy of this order be placed in file of Appeal nos. 351 & 352 of 2020.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

06.03.2024
Manoj Rana