

Experion Developers Pvt. Ltd.

Vs.

HARERA, Gurugram & Anr.

Appeal No.436 of 2021

Present: Mr. Yashvir Singh Balhara, Advocate,
for the appellant.

Mr. Ankur Mittal, Advocate, along with
Ms. Kaushaldeep Kaur, Advocate,
for the respondents.

On 18.04.2024, this Bench passed an order,
which reads as under:-

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

*“Learned counsel for the appellant submits
that the project is now complete and Occupation
Certificate (OC) has also been granted.*

*A perusal of the order dated 19.11.2020
reveals that directions were issued by the
Planning Executive on behalf of the Authority
below to obtain OC. Now the question arises
whether such a direction can be given by the
Authority below.*

*Mr. Balhara submits that he will address
on this issue as well.*

List on 18.04.2024.”

*The impugned order has been perused
again with the help of Mr. Balhara.*

*A query has been put to learned counsel for
the appellant whether a Planning Executive could
have given any direction of the nature contained
in the impugned order.*

List on 26.04.2024.

*A copy of this order be forwarded to the
office of Chairman, HRERA, Gurugram.”*

Today, this Tribunal has been informed that
Occupation Certificate has been granted to the appellant-promoter.

Following queries have been put to Mr. Mittal:-

- i) Whether Occupation Certificate was granted in light of order passed by an official of HRERA Gurugram;
- ii) Whether the official stated to be a Planning Executive had the power/jurisdiction to pass a judicial order.

He submits that he shall seek instructions and examine the record to respond to the queries put to him today. He will also address on the issue whether judicial powers could have been delegated to an official below.

List on 04.07.2024.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

22.05.2024
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