

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-3179-2022(O&M)
Date of Decision:02.03.2022**

M/s Silverglades Infrastructure Private Ltd. Petitioner

versus

Mrs. Bijoya Mohanty and another Respondents

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Ashwarya Sinha, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Challenge in the instant writ petition is to the order dated 29.10.2021 (Annexure P/1) passed by the Adjudicating Officer, Haryana Estate Regulatory Authority, Gurugram

It has been vehemently contended by counsel representing the petitioner that the order passed by the Adjudicating Officer, Haryana Estate Regulatory Authority, Gurugram, suffers from a jurisdictional error and as such in law would be a nullity and under such circumstances there would be no impediment insofar as this Court entertaining a challenge in exercise of powers under Articles 226/227 of the Constitution of India.

Having heard counsel at length and having perused the

pleadings on record, we find that no intervention at this stage is warranted.

On a specific query having been put to counsel, it stands conceded that the petitioner is vested with the right of a statutory appeal under Section 43(5) of the Real Estate (Regulations and Development) Act, 2016, against the impugned order dated 29.10.2021 (Annexure P/1). It has further been conceded that such statutory remedy of appeal has not been availed of till date.

In view of above, we decline to examine the validity and legality of the order dated 29.10.2021 (Annexure P/1).

Writ petition is disposed of.

Suffice it to observe that it would be open to the petitioner to avail of the statutory remedy in accordance with law.

(TEJINDER SINGH DHINDSA)
JUDGE

(LALIT BATRA)
JUDGE

02.03.2022

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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No