

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

120

CWP No.3670 of 2022.

Date of Decision: 24.02.2022.

Supertech Pvt. Ltd.

....Petitioner.

Versus

Union of India and others

....Respondents.

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

Present: Mr. Bhriagu Dhami, 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 19.03.2021 (Annexure P/1) passed by the Adjudicating Officer, Haryana Estate Regulatory Authority, Gurugram, in Complaint No.1057 of 2019 that had been initiated at the hands of private respondents No.3 and 4 herein. Further challenge is to the order dated 20.01.2022 (Annexure P/2) passed in execution proceedings pursuant to Execution Application No.2757 of 2021 emanating from the impugned order dated 19.03.2021 (Annexure P/1).

It has been vehemently contended by counsel representing the petitioner that the order passed by the Adjudicating Officer, Haryana Estate

Regulatory Authority, Gurugram, suffered 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 hearing 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 has been fairly 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 both the impugned orders i.e. 19.03.2021 (Annexure P/1) passed by the Adjudicating Officer as also the subsequent order dated 20.01.2022 (Annexure P/2) passed in execution proceedings. 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 19.03.2021 (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

24.02.2022

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No