

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24511-2023

Date of decision: 31.10.2023

SARE Gurugram Private Limited

....Petitioner

Versus

Haryana Real Estate Regulatory Authority and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Sumeet Goel, Senior Advocate, with
Mr. Vipul Joshi, Advocate,
Mr. Sidhant Kumar, Advocate,
Mr. Ankur Mittal, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner herein has prayed for the following
substantive relief:

*“1st Writ Petition under Article 226 and 227 of
the Constitution of India, 1950 praying for issuance of a
Writ in the nature of 'Mandamus' or any other such
Writ or direction, directing the Respondents to waive off
the late/delay Fee being claimed in respect of renewal of
Registration and extension of Registration of the Project
being developed by the Petitioner in terms of Part IV,
Clause 2 (i) of the Resolution Plan (ANNEXURE P/6)
approved by the Learned National Company Law
Tribunal, Principal Bench, New Delhi vide its Order
dated 24 April 2023 (ANNEXURE-P/2).*

Prayer, herein, is also made for issuance of a Writ in the nature of 'Mandamus' or any other such Writ or direction, directing the Respondents to expeditiously consider, on merits, the Applications seeking Registration/ extension of Registration in respect of the Project being developed by the Petitioner de hors the payment of late/delay Fee by the Petitioner in view of the terms of the Resolution Plan duly approved by the Learned National Company Law Tribunal, Principal Bench, New Delhi vide its Order dated 24 April 2023.

It is also prayed that during the pendency of the present Petition, a Writ in the nature of 'Mandamus' or any other such Writ or direction may be issued restraining the Respondents from passing any Order and/or take any action or coercive steps pertaining to the recovery of delay/late Fee towards the Registration/ extension of Registration of 3 Phases of the Project being developed by the Petitioner."

Learned Senior counsel for the petitioner submits that the petitioner-Company (SARE Gurugram Private Limited) is being managed by the successful resolution applicant (SRA), after having gone through the corporate insolvency resolution process (CIRP). It is urged that the petitioner-Company was/is engaged in construction of group housing colony, and the validity of registration certificates issued by Haryana Real Estate Regulatory Authority (HRERA) qua phases 3, 4 and 5 of the project was till 31.03.2019/30.09.2019. And, the extension applications moved by the petitioner qua all the three phases of the project are pending consideration before the authorities. It is submitted that before institution of the present petition, the petitioner had even moved the authorities, vide letter/representation dated 29.06.2023 (P-17), vide which, it prayed for a waiver of late fee and renewal/extension of the registration certificates of the project being developed by the petitioner. However, even though a considerable time has elapsed, but the concerns/grievances of the petitioner remain unaddressed. Therefore, he submits that let this petition be disposed, at this stage, only with a direction to the respondent authorities to consider and decide the

representation (*ibid*), submitted by the petitioner, and pass appropriate orders thereon within a specified time.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, is present in Court. He, as always, very fairly submits that concerns/grievances of the petitioner as also the applications for extension, which are purportedly pending consideration, shall be considered/dealt with by the competent authority. And appropriate orders, in accordance with law, shall be passed thereon, as expeditiously as possible, preferably within six weeks from today.

The petition is accordingly disposed of, in terms of the statement made by learned counsel for the parties.

Needless to assert, this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

31.10.2023
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No