



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

COCF No.14 of 2024 (O&M)

Date of Decision: 09.05.2024

J S YADAV

.....Petitioner

Versus

PRADEEP KUMAR JAIN AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. S.S. Sodhi, Advocate for
Mr. S.P. Yadav, Advocate for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

This is a contempt petition filed under Sections 11 and 12 of the Contempt of Courts Act read with Article 215 of the Constitution of India for initiating contempt proceedings against the respondents for disobedience of the order dated 03.12.2021 passed by the Haryana Real Estate Regulatory Authority Panchkula.

The present contempt petition has been filed qua the alleged violation of the order dated 03.12.2021 passed by the Haryana Real Estate Regulatory Authority Panchkula. However, the said authority does not fall within the definition of the Court; for the purpose of the Contempt of Court. The mechanism of the aforesaid institution is created only for the specific purpose, having no plenary powers of Court, as such. Neither the existence and working of RERA confirms to the concept of separation of powers, as clarified by the Hon'ble Supreme Court in 'Kesavananda Bharati Sripadagalvaru and others Vs. State of Kerala And Anr.' AIR 1973 Supreme Court 1461, nor is the Presiding Officer of RERA appointed and controlled in the manner as envisaged for the Court under the Constitution of India. Hence, the present petition is not maintainable qua the order dated 03.12.2021 passed by the RERA.

Dismissed.

**(RAJBIR SEHRAWAT)
JUDGE**

09.05.2024

sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable :

Yes/No