

RERA-APPL-67-2024(O&M) 1

2025:PHHC:156217



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RERA-APPL-67-2024(O&M)

Date of decision : 12.11.2025

Silverglades Infrastructure Pvt. Limited

... Appellant

Versus

Kuldeep Kaur and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Shekhar Verma, Advocate and
Mr.Pranjal P. Chaudhary, Advocate
for the appellant.

Mr.Keshav Pratap Singh, Advocate,
Mr.Manvendra Singh Bishnoi, Advocate and
Ms.Mansi Delu, Advocate
for the respondents.

VIKAS BAHL, J.(ORAL)

1. Challenge in the present appeal is to the order dated 09.05.2024 passed by the Haryana Real Estate Appellate Tribunal in Appeal no.162 of 2024 titled as “Kuldeep Kaur & another vs. Silverglades Infrastructure Pvt. Ltd.”

2. On 17.07.2024, a Co-ordinate Bench of this Court was pleased to pass the following order:-

*“Present: Mr. Shekhar Verma, Advocate and
Mr. P.P. Chaudhary, Advocate,
for the appellant.*

*It is submitted by learned counsel for the appellant
that the Tribunal has gone wrong in law in passing the interim*



order against vacation of interim order passed by the authority, despite the fact that before the date of order of the Tribunal, the authority had already passed even the final order in the matter, which was passed against the allottee, as such. Since, the interim order passed by the authority in the proceedings had already merged in the final order, therefore, there was no reason to pass any order qua the interim order passed by the authority.

Notice of motion for 25.11.2024.

In the meantime, further proceedings before the Tribunal shall remain stayed till the next date of hearing.

July 17, 2024”

3. Undisputed facts of the present case are that the respondent Kuldeep Kaur and Chetan Rishi had filed a complaint before the Haryana Real Estate Regulatory Authority, Gurugram and on 09.08.2023, an interim order was passed in favour of the complainants/respondents no.1 and 2 to the effect that the present appellant would not create third party rights. On 23.02.2024 the authority while adjourning the matter to 29.03.2024 for pronouncement, vacated the interim order dated 09.8.2023. Against the order dated 23.02.2024, respondents no.1 and 2 filed Appeal no.162 of 2024 in which impugned order dated 09.05.2024 was passed. The relevant portion of the said order dated 09.05.2024 is reproduced hereinbelow:-

“It is hereby directed that in case any third party rights have been created over the unit in question, same shall be subject to final outcome of this appeal. In the eventuality, any offer has been made to the third party right, no further



consideration in respect of the unit shall be accepted by the respondent company.

It shall be ensured that gist of this order be prominently displayed on the web portal of the company, failing which, this Bench shall consider initiation of punitive steps against the respondent-promoter.

The allotment, if any, of the unit in question to a third party right shall not attain finality meanwhile.

List on 19.07.2024.

09.05.2024”

4. It has been stated that the said appeal is still pending before the Appellate Tribunal. It has further been stated that the final order has been passed in the complaint filed by respondents no.1 and 2. The said final order dated 29.03.2024 has been annexed with the present appeal as Annexure A-3. The relevant portion of the directions issued in the said final order are reproduced hereinbelow:-

“H. Directions of the Authority:

16. Hence, the authority hereby passes this order and issues the following directions under section 37 of the Act to ensure compliance of obligations cast upon the promoter as per the function entrusted to the authority under section 34(f):

- i. The respondent/builder is directed to refund the deposited amount of Rs.70,79,985/- after deducting 10% of the basic sale price being earnest money and adjustment of Rs. 14,99,943/-already paid to the complainant no.1 along with an interest @10.85% on the refundable amount, from the date of cancellation i.e.,*



01.08.2022 till the date of realization of payment.

ii. A period of 90 days is given to the respondent to comply with the directions given in this order and failing which legal consequences would follow.

17. Complaint stands disposed of.

18. File be consigned to the registry.”

A perusal of the above directions would show that the present appellant had been directed to refund the amount deposited after deducting 10% of the basic sale price and after making certain adjustments. Since the interim order dated 23.02.2024 has merged with the final order dated 29.03.2024, thus, the order dated 09.05.2024 in which challenge was only to interim order dated 23.02.2024 does not and cannot survive and even appeal no.162 of 2024 which is against an interim order is also liable to be disposed of as infructuous.

5. Learned counsel for the respondents has brought to the notice of this Court that against the order dated 29.03.2024, an appeal has been filed by respondents no.1 and 2 along with the application for stay and the same is listed for 21.01.2026 and it is submitted that at any rate, the present respondents no.1 and 2 have right to seek interim stay in their appeal.

6. During the course of arguments, a consensus has been arrived at between the learned counsel for the appellant and the learned counsel for the respondents and in view of the fair stand taken by both the sides and on the basis of consent, the present appeal is disposed of with the following observations / directions:-



- i) The impugned order dated 09.05.2024 is set aside.
- ii) Respondents no.1 and 2 would be at liberty to raise all the pleas as are available to them in the appeal filed by respondents no.1 and 2 against the order dated 29.03.2024. It would also be open to respondents no.1 and 2 to press for stay in the application for stay filed with the appeal. It would also be open to the present appellant to raise all the pleas to oppose the said application for stay. The main appeal as well as application for stay would be decided by the Appellate Tribunal de hors the observations made in the orders dated 23.02.2024, 09.05.2024 and order dated 17.07.2024 passed by this Court and after considering all the pleas raised before the Appellate Tribunal.
- iii) It would also be open to respondents no.1 and 2 to withdraw the appeal no.162 of 2024, since it is not disputed before this Court that the said appeal has become infructuous, with liberty to raise all the pleas in the appeal filed against the final order dated 29.03.2024. It is made clear that this Court has not opined on the merits of the dispute.

(VIKAS BAHL)
JUDGE

November 12, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No