



CWP-19810-2025

-1-

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

143

CWP-19810-2025

Date of decision : 29.07.2025

Trishul Towers Private Ltd.

... Petitioner

Versus

Haryana Real Estate Regulatory Authority and others

... Respondents

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present:- Mr. Vivek Sethi, Advocate for the petitioner.

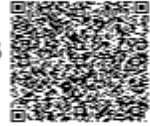
Mr. Ankur Mittal, Advocate,
Ms. Kushaldeep Kaur, Advocate,
Ms. Ashna Singh, Advocate and
Ms. Saanvi Singla, Advocate for the respondent/HRERA.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 10.02.2025 (Annexure P-11) passed by respondent No.1.

2. Learned counsel for the petitioner submits that he was not informed about the date of hearing i.e. 10.02.2025 when the complaint preferred by the private respondents was heard and decided by respondent No.1-Haryana Real Estate Regulatory Authority. He also submits that the order dated 10.02.2025 (Annexure P-11) be set aside and the petitioner be afforded an opportunity to argue the case.

3. Heard.



CWP-19810-2025

-2-

4. It is manifest that on 11.11.2024, the matter had been adjourned to 10.02.2025 in the presence of the counsel for the petitioner. Therefore, it is difficult for us to conclude that the petitioner has been denied opportunity to argue the case on merits. However, the petitioner has an alternate statutory remedy available under the law to challenge the order passed by RERA, Panchkula by preferring an appeal under Section 44 of the Real Estate (Regulations and Development) Act, 2016 before the Real Estate Appellate Tribunal. This Court would be circumspect in exercising its writ jurisdiction as an alternate and efficacious remedy of appeal is available under the law. Reference can be made to the judgment of the Supreme Court in the case of **South India Bank Limited versus Naveen Mathew Philip, 2023(2) RCR (Civil) 771** wherein it has been held that when the petitioner has an efficacious remedy provided under the statute then the Court should not exercise the writ jurisdiction. The relevant extract of the judgment is reproduced hereunder:-

“36. In the instant case, although the respondent borrowers initially approached the Debts Recovery Tribunal by filing an application under Section 17 of the SARFAESI Act, 2002, but the order of the Tribunal indeed was appealable under [Section 18](#) of the Act subject to the compliance of condition of pre-deposit and without exhausting the statutory remedy of appeal, the respondent borrowers approached the High Court by filing the writ application under [Article 226](#) of the Constitution. We deprecate such practice of entertaining the writ application by the High Court in exercise of jurisdiction under [Article 226](#) of the Constitution without exhausting the alternative statutory remedy available under the law. This circuitous route appears to have been adopted to avoid the condition of pre-deposit contemplated under 2nd proviso to [Section 18](#) of the 2002 Act.”

(emphasis supplied)



CWP-19810-2025

-3-

5. In view of the above, we are not inclined to entertain the writ petition and the petitioner would be at liberty to seek recourse to the alternative remedy available to it under the law.

6. Consequently, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

July 29, 2025
sonia gugnani

(DEEPAK MANCHANDA)
JUDGE

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