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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RERA APPEAL 2/2025**

SMRITY SINGHALPetitioner

Through: **Mr. T.S. Khehar & Ms. Sanya Bhatia, Advocates.**

versus

M/S C.J. INFRASTRUCTURE PRIVATE LIMITED

.....Respondent

Through: **Mr. Mandeep Singh Vinaik, Senior Advocate along with Ms. Thanglunkim, Mr. S.K Sagar & Mr. Gaikhuanlung, Advocates.**

73

+ **RERA APPEAL 3/2025**

NAVNEET SINGHALPetitioner

Through: **Mr. T.S. Khehar & Ms. Sanya Bhatia, Advocates along with Appellant in person.**

versus

M/S C.J. INFRASTRUCTURE PRIVATE LIMITED

.....Respondent

Through: **Mr. Mandeep Singh Vinaik, Senior Advocate along with Ms. Thanglunkim, Mr. S.K Sagar & Mr. Gaikhuanlung, Advocates.**

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

ORDER

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15.09.2025

1. The present Appeals, being RERA Appeal No. 2/2025 and



RERA Appeal No. 3/2025, have been filed under Section 58 of the **Real Estate (Regulation & Development) Act, 2016**¹, challenging the common impugned judgment dated 11.09.2024, passed by the Ld. **Real Estate Appellate Tribunal**² in Appeal No. 142/REAT/2023 and Appeal No. 144/REAT/2023, respectively.

2. With the consent of the learned counsel appearing for the parties, these two connected Appeals shall stand disposed of by this common order.

3. In the present case, both the Ld. **Real Estate Regulatory Authority**³ and the Ld. REAT have concurrently dismissed the complaint filed by the Appellant(s) on the grounds that the building in question was completed prior to the enforcement of the RERA Act, which came into force on 01.05.2017. However, the Appellants dispute this conclusion, citing certain documents accompanying the appeals during the hearing before us.

4. We note that this Bench, in two connected Appeals bearing RERA Appeal Nos. 5 & 6 of 2024, has concluded that the building of the Respondent was not complete, and consequently, the provisions of the Act of 2016 shall apply. Paragraph Nos. 17 and 18 of the said judgment are reproduced as under:-

“17. Therefore, we stand fortified in our conclusion that in the facts of the present case, the OCC cannot be deemed to be granted. To claim that the OCC was deemed granted, the Appellants should have done due diligence on their part. However, the conduct of the Appellants lacks in this regard.

18. Further, it is submitted by the DDA that the OCC Application was examined as per UBBL-2016. The Appellants/Architect did not rectify the shortfalls in the OCC application, and on 08.09.2021, the application was rejected by DDA. The copy of the

¹ Act

² REAT

³ RERA



rejection letter dated 08.09.2021, along with the screenshot of the portal is annexed as Annexure-I in the pleadings. It is to be noted that in light of the rejection of the OCC, whether the OCC was deemed granted or not holds no value, as the situation at the time of the filing of the Appeal before the REAT is that no OCC exists with the Appellants, therefore RERA Act will be applicable.”

5. In view of the aforesaid position, and with the consent of the learned counsel for the parties, the impugned orders passed by the Ld. RERA, which were subsequently confirmed by the Ld. REAT, are hereby set aside. The Ld. RERA is requested to reconsider the matter afresh, taking into account all relevant aspects of the case.
6. It is needless to observe that the Authority shall proceed to decide the matter without being influenced by the impugned orders passed in these two Appeals.
7. The parties, through their respective counsel, are directed to appear before the Ld. RERA on 14.10.2025.
8. A copy of this Order be kept in connected matter.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 15, 2025/tk/ds