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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17679/2025**
ALOK KUMAR PANDEY & ORS.

.....Petitioners

Through: Mr. Sanjeev Sagar, Sr. Advocate with
Mr.Dheeraj Gupta, Ms. Ritu Singh,
Mr.Anil Kumar and Mr. Inderjeet
Singh, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr Anil Kaushik, ASG with Mr
Sanjay Kumar Pathak, SC Mrs. K.K.
Kiran Pathak, Mr. Sunil Kumar Jha,
Mr. Mohd. Sueb Akhtar and Ms.
Joohu Kumari, Advocates.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 17.02.2026

CM APPL. 10987/2026 (Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 10810/2026(condn of delay in filing status report)

3. For the reasons stated in the application, the delay in filing the status report stands condoned.
4. The status report is taken on the record.
5. The application stands disposed of.

CM APPL. 10985/2026(deletion from array of parties by P3)



6. This is an application filed by the Mr. Siddharth Panda/petitioner no.3 seeking his deletion from the array of parties.

7. For the reasons stated in the application, same is allowed. The applicant/petitioner no.3 is deleted from the array of parties.

8. The amended memo of parties be filed by the petitioners within two working days from today.

9. The application stands disposed of.

CM APPL. 10989/2026 (condon of delay in filing review petition)

10. The respondents have moved this application seeking condonation of delay of two days in filing the review petition.

11. For the reasons stated in the application, the delay of two days is condoned.

12. The application stands disposed of.

REVIEW PET. 85/2026 (review of order dated 05.01.2026)

13. The respondents have filed this review petition against the order dated 05.01.2026 passed by this Court to the extent that it directed the respondents to reappoint the erstwhile Member (Judicial) of the Real Estate Appellate Tribunal.

14. Today, Mr Anil Kaushik, learned Additional Solicitor General appearing for the respondents/review petitioner has placed before us a copy of the order dated 17.02.2026 wherein the following has been conveyed:-

*“GOVERNMENT OF NCT OF DELHI
LAND & BUILDING DEPARTMENT
(Real Estate Regulatory Authority)
B-Block: Vikas Bhawan: New Delhi-110002.*

No. F.12(143)/2019/L&B/Plg/RERA TRIBUNAL/9530-9551



Dated: 17-2-2022

ORDER

In exercise of the powers conferred under Section 46 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016) read with notification number S.O. 1395 (E) dated 2nd May, 2017 and letter No. 14011/43/2025-Delhi-1 dated 09.02.2026 both issued by the Ministry of Home Affairs, Government of India, the appropriate Government i.e. Hon'ble Lieutenant Governor, NCT of Delhi is pleased to appoint Hon'ble Mr. Justice B.S. Walia, Retired Judge, Punjab & Haryana High Court as Chairperson of the Real Estate Appellate Tribunal for NCT of Delhi and UT of Chandigarh with immediate effect.

The tenure of office of Chairperson of the Real Estate Appellate Tribunal for NCT of Delhi and UT of Chandigarh shall be five years or till attaining the age of sixty-seven years, whichever is earlier from the date he enters upon his office and shall not be eligible for re-appointment.

The terms and conditions of service of appointment shall be notified separately from time to time.

*By order and in the Name of Lieutenant Governor
of National Capital Territory, of Delhi,”*

15. According to Mr Kaushik, the appointee, Hon'ble Mr Justice B S Walia, Retired Judge, Punjab and Haryana High Court shall join the post at the earliest.

16. The submission of Mr. Kaushik is that the appointment as directed by this Court, is contrary to the provisions of Section 47(1) of the Real Estate (Regulation and Development) Act, 2016 as it prescribes the Chairperson or a Member of the Tribunal shall hold office, for a term not exceeding five



years from the date on which he enters upon his office, but shall not be eligible for re-appointment. According to him even otherwise the Member(Judicial) could not without the letter of appointment join the post, which he did, which is clearly over-reaching the order passed.

17. Suffice to state we have passed order dated 05.01.2026 after hearing the learned counsel for the parties on different dates and also by granting time to the learned counsel for respondents to take instructions. The order passed by us is very clear in as much as, in paragraph no.5, we have stated as under:-

“5. Noting the above factual position and also the order passed by the Supreme Court, we are of view that, in the given facts and to obviate inconvenience and difficulties faced by the litigants and also the Advocates (including the petitioners herein) who are practising before the Tribunal; a direction be given to the respondents to reappoint the incumbent Member (Judicial) who demitted the office on 30.11.2025, for a period of two (2) months on the same terms and conditions as were given to him on his appointment as a Member (Judicial) of the Tribunal, which post he demitted on 30.11.2025. The extension/appointment shall be effective from the date he joins the post as Member (Judicial). The extension/appointment shall be for a period of two months or till the Chairman or Member (Technical) or Member (Judicial) is appointed, whichever is earlier.”

18. In view of the fact, the order dated 05.01.2026 is clear and self speaking, inasmuch as the appointment in terms of our order is till the appointment of the Chairman or Member (Technical) or Member (Judicial) which ever is earlier, and the Chairman having been appointed the order shall cease to operate, we are not inclined to review the same. The review petition is accordingly, dismissed.



W.P.(C) 17679/2025 CM APPL. 73044/2025(Stay), CM APPL. 10988/2026 (Stay)

19. In view of the above, both the applications do not survive for consideration, the same are dismissed.

20. Further, in so far as the application filed by the petitioners (CM No.10811/2026) is concerned the fact that incumbent Member (Judicial) had joined the post pursuant to the order dated 05.01.2026 and as informed he has even discharged the duties till 16.02.2026; the said stand is taken on record. No further order is required to be passed.

21. We close the writ petition.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 17, 2026

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