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

RERA-APPL-119-2025 (O&M)

Date of decision: 13.10.2025

Kamlesh Rani

...Appellant

Versus

M/s INR Constructions and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vivek Aggarwal, Advocate and
Mr. Sanyam Khetarpal, Advocate for the appellant.

Ms. Radha Singh, Advocate and
Col. Shamsher Singh (Retd.), Advocate and
Ms. Meena Singh, Advocate for respondent No.1.

Mr. Bahul Bunger, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. On 26.08.2025, this Court had passed the following order:-

*“KAMLESH RANI VS M/S INR CONSTRUCTIONS AND
ANOTHER*

*Present:- Mr. Vivek Aggarwal, Advocate, and
Mr. Sanyam Khetarpal, Advocate for the
appellant.*

*Inter alia, contends that the complaint was filed by the
present appellant on 22.02.2022 and the primary reason for
filing the said complaint was that the size of the plot which was*



being offered to the appellant was not in accordance with the size of the plot which the appellant had booked. It is submitted that however by placing reliance upon Clause 17(a) of the Builder-Buyer Agreement, the Haryana Real Estate Regulatory Authority, Panchkula had observed that the size of the plot can be changed and in case there is any decrease in the size of the plot, as is in the present case, then, the price has to be accordingly adjusted. It is further submitted that the said aspect has been upheld by the Appellate Tribunal, vide order dated 03.07.2025. It is however argued that even in case the size of the plot is taken to be the size which had been offered by the respondents, then also, it is the case of the appellant that the charges which the respondents had asked the present appellant to pay, which includes escalation charges etc., are not in accordance with law. It is further argued that the said aspect is a subsequent cause of action however the Haryana Real Estate Appellate Tribunal had made an observation in para 8 of its order dated 03.07.2025, due to which the present appellant has an apprehension that in case the present appellant institutes a fresh complaint on the said subsequent cause of action, the present appellant may be faced with the plea of estoppel and res judicata. It is submitted that in the said circumstances, the present appellant be permitted to file a fresh complaint on the subsequent cause of action and the authorities be directed to decide the same independently, in accordance with law.

Notice of motion on the said limited aspect be issued to the respondents for 04.09.2025.

Liberty is granted to the appellant to serve the respondents through dasti process also.

To be shown in the urgent list.

August 26, 2025”



2. Learned counsel for the appellant has reiterated the fact that there is no dispute with respect to the size of property in question which has been given to the appellant, but only submits that the charges which the respondents are asking the appellant to pay even with respect to the property in question which has been offered by the respondents, including escalation charges, are not in accordance with the agreement and in accordance with law and only on the said aspect, which is a subsequent cause of action, the appellant wishes to file a fresh complaint.

3. Learned counsel for the respondents has submitted that in case the appellant wishes to file a fresh complaint on the said limited aspect, liberty be granted to the respondents to raise all the pleas as are available to them in accordance with law including the plea that the charges which are being charged by the respondents with respect to the property in question are in accordance with the terms and conditions of the agreement and also in accordance with law.

4. This Court has heard learned counsel for the parties and in view of the fair stand taken on behalf of the appellant as well as on behalf of respondents, the present appeal is disposed of with the following observations/directions:-

i) With respect to the dispute regarding the size of the property in question, the observations made in the impugned orders are upheld and as has been stated on behalf of the appellant, the appellant is satisfied with the size of the property in question the possession of which has been handed over by the respondents to the appellant and thus, the said issue has attained finality.



- ii) It would be open to the appellant to institute fresh proceedings in accordance with law with respect to the plea raised by the appellant to the effect that the amount which is sought to be charged by the respondents even with respect to the property in question, which has been handed over to the appellant, is excessive and is neither in accordance with the agreement nor in accordance with law.
- iii) In case any such proceedings are instituted, it would be open to the respondents to raise all the pleas which are available to them, including the plea that the amount which is sought to be charged by them is in accordance with the terms and conditions of the agreement as well as in accordance with law.
- iv) This Court has not opined on the merits of the said plea and the Court/Authority/Tribunal before whom the said proceedings are instituted and the pleas are raised, would consider the same independently and in accordance with law.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

13.10.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No