

2025:PHHC:044106-DB



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

CWP-9219-2025 (O&M)

Date of decision:01.04.2025

SHREE VARDHMAN DEVELOPERS (P.) LTD.

.....Petitioner

Versus

STATE OF HARYANA & ORS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present:- Mr. Jeevan Gautam, Advocate for the petitioner.

SUDHIR SINGH, J.

The petitioner has sought issuance of a writ in the nature of Certiorari for quashing the order dated 12.07.2022 (Annexure P-2) passed by the Haryana Real Estate Regulatory Authority, Panchkula, whereby a complaint filed by the respondent No.2 was disposed of with a direction that the petitioner was liable to pay due EMI's along with interest or penalty if imposed by the Bank for the non-payment of due/EMI and clear outstanding dues within 90 days of uploading of this order.

2. On advance copy of the service of the petition, Mr. Ankur Mittal, Additional A.G., Haryana; Ms. Kushaldeep Kaur, Advocate; Ms. Saanvi Singla, Advocate and Mr. Shubham Chauhan, Advocate appearing for respondent No.1 and 3, submits that the

present writ petition is not maintainable as the petitioner has an alternative remedy under Section 44 of the Haryana Real Estate Regulatory Authority Act, 2016 to prefer an appeal against the impugned order before the Haryana Real Estate Appellate Tribunal.

3. The said submission could not be countered by the learned counsel for the petitioner.

4. In view of the above, the present writ petition is disposed of with liberty to the petitioner to file an appropriate appeal before the Haryana Real Estate Appellate Tribunal in terms of Section 43(5) read with Section 44 of the RERA Act, 2016, within a period of 60 days. It is made clear that if any such appeal/application is filed, the same shall be considered and decided on its merits uninfluenced by the order passed by this Court.

5. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[SUKHVINDER KAUR]
JUDGE

01.04.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No