2026:PHHC:034533

139 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RERA-APPL-93-2025 (O&M)
Decided on : 11.02.2026

Ajay Enterprises Private Limited ….Appellant

Versus

Kenwood and Clifton Apartment Owners Welfare Association & ors. ….Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

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Present :- Mr. Aashish Chopra, Senior Advocate with
Mr. Yash Pal Sharma, Advocate
for the appellant.

Mr. Nitin Kant Setia, Advocate
for respondent No.1.

Mr. Naveen Singh Panwar, DAG, Haryana
for respondent No.2.

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PANKAJ JAIN, J. (ORAL)

1 Present appeal filed under Section 58 of Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as '2016 Act') is directed against order dated 21.04.2025 passed by the Haryana Real Estate Appellate Tribunal (hereinafter referred to as the 'Appellate Tribunal') whereby appeal preferred by the appellant has been partly allowed.

2 Respondent No.1 filed complaint before authority seeking direction to the appellant to hand over administration, management and maintenance of common areas and facilities in the block consisting of towers

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D3, D4, D5 and A5 in the Society titled as 'Charmwood Village' at Village Lakkarpur, Sector 39, Surajkund Road, Faridabad. The authority vide order dated 04.05.2023 directed the appellant to provide statement of accounts showing the amounts received from the allottees association/complainants in lieu of various charges.

3 The appellant failed to provide the same. The authority, therefore, ordered the appellant to provide the following documents :-

> *"a. To get conducted a financial audit from the Chartered Accountant firm appointed by the Authority. The respondent company shall make all the documents and records available to the audit party as necessary for carrying out proper audit.*
>
> *b. To provide bank account statements in which the proceeds received from the flats/plots applicants/ allottees were deposited and withdrawn for the development of the project and the supporting documents in support of the receipts/collections from the applicants / allottees and details when received in the above bank statements and details / reconciliation of the receipts/collections received in cash and subsequently deposited in the above Bank Accounts.*
>
> *c. To provide the details of the expenses incurred on the project along with the supporting documents that will enable the auditor to verify that the payments made are for the projects and are in proportion to the development work carried out. To also provide the audited financial statements of the project along with the books of accounts since the inception of the project.*
>
> *d. Details of the total flats/plots, allotted, resumed/ surrendered and lying unsold/un-allotted and layout and zoning plans of the project along with approval letters/ documents from the relevant authorities to be provided.*

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e. To place on record related Certificates of Engineer / Architect/Chartered Accountant in support of the claims made by the promoter regarding withdrawals made from the dedicated bank account for the purpose of utilization in the project.

f. In case loan's have been obtained from Banks/Finance Institution towards the construction of the project, necessary loan account statement/s and loan utilization to be provided.

g. Total corpus of replacement fund collected until 31.03.2024 (mentioned as 20.27 per sq. ft. per month as per the BBA) from the residents of three towers of Kenwood Apartments (Blocks D3, D4, DS of Charmhood village) through the maintenance bills raised by AEPL on quarterly basis including the accrued interest thereon till 31.03.2024.

h. Expenditure incurred on replacement of any capital assets like lifts, Fire-fighting equipment, DG sets, and water pumps for three towers of Kenwood Apartments (Blocks D3, D4 &D5 of Charm wood Village) till 31.03.2024. with the clear demarcation of capital expenditure spent on (Blocks D3, D4 & D5, in case the spend is for entire charmwood)

i. Total corpus of the Interest free maintenance security and the Interest bearing maintenance security collected at the time of possession handover from the Apartment Owners/ Residents of Kenwood and Cliffion Apartments (Blocks D3, D4, D5 and A5 of Charmwood Village) along with the interest accrued thereon till 31.03.2024."

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4 The respondent preferred appeal against the said order before the Appellate Tribunal. The Appellate Tribunal vide impugned order dated 21.04.2025 observed as under :-

> *"7. Only question that survives for adjudication by the authority is as to whether information sought in para 4(g) to 4(i) is relevant for the purpose of adjudication of the matter pending before the Authority.*
>
> *8. We make it clear that we do not approve the procedure adopted by the Authority of passing piecemeal orders in the matter. Once arguments are heard in a case and order is reserved, proceedings therein come to an end and normally same would be listed for pronouncement of judgment.*
>
> *9. It has been brought to our notice that after arguments were concluded on 29.02.2024, it was uploaded on the web portal that the order has been reserved. Thereafter, the Authority was expected to act as per settled law and give its verdict. However, in the peculiar facts and circumstances of the case, there is no legal impediment in case the information sought by the Authority in paragraph 4(g) to 4(i) is furnished by the promoter. This is necessary for expeditious disposal of the case pending before the Authority. Besides, the provisions of the special enactment have to be kept in mind while dealing with the case of this nature. Even if plea of the appellant is accepted and order of the Authority, in so far as it seeks information is declined, the Authority has power under Section 35(1) of the Real Estate (Regulation and Development) Act, 2016 to initiate suo moto proceedings within the legal parameters set out in the said provision.*
>
> *10. In view of the above, the appeal is partly allowed with the observation that the appellant need not to submit information sought by the Authority in paragraph 4(a) to 4(f) of the order. However, rest of the information be furnished to the Authority within two weeks of uploading of the order."*

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5 Learned senior counsel for the appellant on instructions from Mr. Yash Pal Sharma, Advocate submits that the appellant is in possession of the information as mentioned at item No.(i) in the direction issued by the authority, but the information as mentioned at item No.(h) is not available.

6 Though Mr. Nitin Kant Setia, counsel for respondent No.1, contested the appeal emphatically, but records his satisfaction if the appellant is ready to share information as mentioned at item No.(i) in para No.4 of the order passed by the authority.

7 In view of the aforesaid conceded position, the present appeal is disposed off with the direction to the appellant to supply the following information :-

> *i. Total corpus of the Interest free maintenance security and the Interest bearing maintenance security collected at the time of possession handover from the Apartment Owners/ Residents of Kenwood and Cliffion Apartments (Blocks D3, D4, D5 and A5 of Charmwood Village) along with the interest accrued thereon till 31.03.2024.*

8 Appeal stands disposed off.

(PANKAJ JAIN)
JUDGE

11.02.2026
Pooja Sharma-I

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

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