

MADHYA PRADESH REAL ESTATE
APPELLATE TRIBUNAL AT BHOPAL

Appeal No. A-04/2026
Institution Date : 30/12/2025

Before

Hon’ble Justice Shri B.K. Dwivedi, Chairperson
Hon’ble Shri P.C. Gupta , Member (Judicial)

M/s Star Dwellings Pvt. Ltd.
through its Director Shri Vivek Soni,
having office at: 317, Ashima Mall,
Narmadapuram Road,
Bhopal (MP) : Appellant

Versus

Real Estate Regulatory Authority,
through its Secretary,
RERA Bhawan, Arera Hills,
Bhopal (MP) : Respondent

Counsel for the parties

For the Appellant : Advocate Deepesh Joshi
For the Respondent : Advocate Aryan Gupta

ORDER

(Delivered on- 23/07/2026)

Per , Justice, B.K. Dwivedi, Chairperson

Appellant has preferred this appeal under Section 44 of the Real Estate (Regulation and Development), Act 2016 (for short, hereinafter referred as, 'the Act') for setting aside/quashing of impugned order dated 03/11/2025 passed by the Real Estate Regulatory Authority (for short, hereinafter referred as, 'the Authority') in case no. P-OTH-17-1156 of 'Heavens Dreams' under Section 8 read with Section 36 and 37 whereby certain conditions have been imposed on the Appellant.

02. Brief facts of the case are that Appellant company is incorporated under Companies Act 1956 in the name and

style 'Heavens Dreams' having registration no. P-OTH-17-1156. Company was looked after by its ex-Director Raja Dubey, who unfortunately expired on 25/11/2017 and thereafter company was being looked after by its remaining partners.

02.1 On 23/02/2022 Authority took cognizance of the matter *suo motu* and issued a letter Annexure A/2 to Shri Raja Dubey and Star Dwellings Pvt. Ltd. stating that the aforesaid project was scheduled to be completed and project could not be completed in the time frame and that lapsed on 30/06/2021. Developers submitted desired details on 20/04/2022 (Annexure A/3). By Annexure A/4 on 04/05/2022 it was informed by Authority that column no. 4 and 5 of the forms so submitted were left blank and hence the said information was again sought. After submission of aforesaid details Authority kept silent and thereafter on 08/06/2023 issued another letter Annexure A/5 directing submission of some other details relating to the amount recovered from the allottees and submission of details this letter Annexure A/6 dated 07/07/2025 was addressed again to Shri Raja Dubey. Letter dated 23/09/2025 Annexure A/7 was again addressed to Raja Dubey. On receipt of the aforesaid notices, Appellant acting through Smt. Arti Dubey w/o Late Shri Raja Dubey appeared before Authority and submitted detailed arguments on 10/10/2025 annexure A/8 intimating that after demise of Raja Dubey project was illegally taken over by another company Amaltas India Limited and subsequently there were multiple litigations are pending between the parties before various courts including National Company Law Tribunal. Thereafter another letter dated 15/10/2025 Annexure A/9 was issued by the Authority. In letter dated 23/09/2025 (A-7) notices were again shown to be M/s Star Dwellings and Shri Raja Dubey alleging that aforesaid have not uploaded desired information on the portal and violated provisions of the Act and therefore directed

them to appear before the Authority on 10/10/2025 with warning of *ex-parte* proceedings, if they failed to do so on 10/10/2025. Matter was extended to 07/11/2025 and aforesaid were directed to appear personally on the extended date. But in the meantime, impugned order dated 03/11/2025 (Annexure A/1) has been passed against the Appellant restraining it from obtaining new bookings, collecting advance, issuance of allotment letter, entering into any agreement for sale of real estate, creating third party rights and also withdrawing amount from designated account. As per Appellant impugned order is patently illegal and deserves to be set aside. With the aforesaid allegations appeal was filed for the reliefs of setting aside impugned order and dismissal of complaint filed by the Respondent as being not maintainable.

03. During the pendency of the appeal Appellant filed application IA No.1 for interim relief of staying the impugned order on the ground that proceedings initiated by Authority are not tenable from inception and are without jurisdiction and if allowed to continue, Appellant will suffer irreparable inconvenience, which cannot be compensated in terms of money. Aforesaid application is supported by affidavit of Vivek Soni, Director of M/s Star Dwellings Pvt. Ltd.

04. Respondent (RERA) opposed the application on the ground that order has been passed by the Authority after affording reasonable opportunity of hearing and on non-compliance of the directions, Authority was constrained to pass the aforesaid order to protect interest of the allottees, there is no irregularities or illegality in the order, it is interim order therefore, no interim relief can be given to the Appellant hence, ask the court for dismissing the application.

05. Heard and considered the rival submission at the bar and perused the record.

06. It is undisputed and evident from the impugned order dated 03/11/2025 project '*Heavens Dreams*' registration no. P-OTH-17-1156 has lapsed on 30/06/2021 and promoter has failed to complete the project in prescribed period as mandated under Section 4(2) (l) (C) and Section 5(3) of the Act. It is also undisputed that Authority by issuing notice Annexure A/2 directed the Appellant for submitting information in the prescribed proforma. Information submitted in Annexure A/3 was only on point no. 5 but other columns information required to be submitted under other columns was not submitted therefore, vide Annexure A/4 again directions was given for submitting the same but even after that same was not complied with hence, Annexure A/6 dated 07/07/2025 and Annexure A/7 dated 23/09/2025 were issued to Appellant, Arti Dubey w/o Late Raja Dubey submitted written arguments Annexure A/8 but there is no response from the Appellant. It has also transpired during arguments that Arti Dubey is having no position in the Appellant company thus it is apparent that even after service Appellant did not file any response or requisite information as was required by Authority and thereafter to protect the interest of the allottees impugned order was passed from the material available on the record. It is apparent that due correspondence was made by the Authority for requisitioning the required information and same had fallen on deaf ears and thereafter Authority was constrained to pass impugned order.

07. Under Section 8 of the Act obligation has been imposed on the Authority for doing certain acts upon lapse of registration or on revocation of registration under this Act. The instant case falls under the first category of lapse of registration. Under Section 36 of the Act power has been given to the Authority to issue interim orders to protect interest of the allottees. Impugned order has been passed by the Authority falls under the aforesaid category for which

Authority is fully empowered by the provision of aforesaid Act for ready reference provision as contained in Section 36 of the Act is reproduced as under:-

"36. Power to issue interim orders.—Where during an inquiry, the Authority is satisfied that an act in contravention of this Act, or the rules and regulations made thereunder, has been committed and continues to be committed or that such act is about to be committed, the Authority may, by order, restrain any promoter, allottee or real estate agent from carrying on such act until the conclusion of such inquiry or until further orders, without giving notice to such party, where the Authority deems it necessary."

08. From perusal of the aforesaid provision, it is crystal clear that after lapse of registration Authority is obliged to act under Section 8 of the Act and may pass interim orders under Section 36 of the Act. It is also evident from record that u/S 8 r/w Section 37 of the Act order has also been passed on 13/01/2026.

09. In such circumstances, we are of the considered view that neither Authority has transgressed its jurisdiction nor committed any procedural illegality which can vitiate impugned order, hence no interference is required in the aforesaid order.

10. According this application filed for staying impugned order is sans merits, deserves to be and is hereby dismissed.

11. Copy of this order be provided to the parties free of cost.

12. Copy of this order be sent to the Secretary, RERA for information.

Sd/-
(JUSTICE B.K. DWIVEDI)
CHAIRPERSON

Sd/-
(P.C. GUPTA)
MEMBER (J)

Date: 23/07/2026
Place: Bhopal