HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 2726/2026
CNR: RJHC020550422026 | URN: CMA / 4957U / 2026

Harish Jasuja S/o Shri Kashmiri Lal Jasuja, Aged About 48 Years, R/o Rl-12 Ridhi Sidhi Colony, Sri Ganganagar- 335001 Rajasthan.

----Appellant

Versus

1 Rajasthan Real Estate Regulatory Authority, Jaipur Through Its Registrar 2Nd An D 3Rd Floor, Rsic Wing Udyog Bhawan, Tilak Marg, C-Scheme, Jaiupr-302005.

2 Rajender Wadhwa S/o Jagdish Chand, R/o Rajendra Wadhwa C/o Surendra Kumar Narang (Firm- Jhangi Ram Desh Rajasthan) Anaj Mandi Kesrisinghpur, District Sri Ganganagar- 335001 Rajasthan.

----Respondents

Connected With

S.B. Civil Miscellaneous Appeal No. 2723/2026
CNR: RJHC020550672026 | URN: CMA / 4954U / 2026

Harish Jasuja S/o Shri Kashmiri Lal Jasuja, Aged About 48 Years, R/o Rl-12 Ridhi Sidhi Colony, Sri Ganganagar- 335001 Rajasthan.

----Appellant

Versus

1 Sunil Johar S/o Atam Prakash, R/o V.p.o Lal Gardh Jattan, District Sri-Ganganagar- 335001 Rajasthan

2 Rajender Wadhwa S/o Jagdish Chand, R/o Rajendra Wadhwa C/o Surendra Kumar Narang (Firm- Jhangi Ram Desh Rajasthan) Anaj Mandi Kesrisinghpur, District Sri Ganganagar- 335001 Rajasthan.

3 M/s Mng Dreamz, Last Registered Office 70 H Block, Pragati Tower, Sri Ganganagar- 335001.

4 Jasuja Builders, Through Proprietor Shri Harish Jasuja Last Registered Office Shop No. 9 Lakkar Mandi Sri-Ganganagar- 335001 (Now Not In Existence)

5 Anami Buildmart, Through Propritor Shri Rajender Wadhwa Address 2-B 25, Sukhadia Nagar, Sri-

Ganganagar- 335001

----Respondents

S.B. Civil Miscellaneous Appeal No. 2724/2026
CNR: RJHC020550532026 | URN: CMA / 4955U / 2026

Harish Jasuja S/o Shri Kashmiri Lal Jasuja, Aged About 54 Years, R/o Rl-12 Ridhi Sidhi Colony, Sri Ganganagar- 335001 Rajasthan.

----Appellant

Versus

1 Shayam Sunder Bishnoi S/o Shri Hetram Bishnoi, R/o 22, Setia Colony, St. No. 13, Gurunanak Chowk, Sri-Ganganagar- 335001 Rajasthan.

2 Rajender Wadhwa S/o Jagdish Chand, R/o Rajendra Wadhwa C/o Surendra Kumar Narang (Firm- Jhangi Ram Desh Rajasthan) Anaj Mandi Kesrisinghpur, District Sri Ganganagar- 335001 Rajasthan.

3 M/s Mng Dreamz, Last Registered Office 70 H Block, Pragati Tower, Sri Ganganagar- 335001.

----Respondents

S.B. Civil Miscellaneous Appeal No. 2725/2026
CNR: RJHC020550482026 | URN: CMA / 4956U / 2026

Harish Jasuja S/o Shri Kashmiri Lal Jasuja, Aged About 48 Years, R/o Rl-12 Ridhi Sidhi Colony, Sri Ganganagar- 335001 Rajasthan.

----Appellant

Versus

1 Nischal Kumar Makkar S/o Kundan Lal, R/o 173, Surjeet Singh Colony, Gali No. 1 Khetar Pal Mandir Sri-Ganganagar- 335001 Rajasthan.

2 Rajender Wadhwa S/o Jagdish Chand, R/o Rajendra Wadhwa C/o Surendra Kumar Narang (Firm- Jhangi Ram Desh Rajasthan) Anaj Mandi Kesrisinghpur, District Sri Ganganagar- 335001 Rajasthan.

3 M/s Mng Dreamz, Last Registered Office 70 H Block, Pragati Tower, Sri Ganganagar- 335001.

----Respondents

S.B. Civil Miscellaneous Appeal No. 2730/2026

CNR: RJHC020550572026 | URN: CMA / 4961U / 2026

Harish Jasuja S/o Shri Kashmiri Lal Jasuja, Aged About 48 Years, R/o Rl-12 Ridhi Sidhi Colony, Sri Ganganagar- 335001 Rajasthan.

----Appellant

Versus

1 Om Prakash Gera, R/o 2/17 Nagpal Colony, Sri-Ganganagar- 335001 Rajasthan. (Since Deceased) Through His Legal Heirs

1.1 Smt. Poonam Gera W/o Late Om Prakash Gera, R/o 2/17 Nagpal Colony, Sri-Ganganagar- 335001 Rajasthan.

1.2 Sanjeevani Gera D/o Late Om Prakash Gera, R/o 2/17 Nagpal Colony, Sri-Ganganagar- 335001 Rajasthan.

1.3 Sanjeet Gera S/o Late Om Prakash Gera, R/o 2/17 Nagpal Colony, Sri-Ganganagar- 335001 Rajasthan.

2 Rajender Wadhwa S/o Jagdish Chand, R/o Rajendra Wadhwa C/o Surendra Kumar Narang (Firm- Jhangi Ram Desh Rajasthan) Anaj Mandi Kesrisinghpur, District Sri Ganganagar- 335001 Rajasthan.

3 M/s MNG Dreamz, Last Registered Office 70 H Block, Pragati Tower, Sri Ganganagar- 335001.

4 Jasuja Builders, Through Proprietor Shri Harish Jasuja Last Registered Office Shop No. 9 Lakkar Mandi Sri-Ganganagar- 335001 (Now Not In Existence)

5 Anami Buildmart, Through Propritor Shri Rajender Wadhwa Address 2-B 25, Sukhadia Nagar, Sri-Ganganagar- 335001

----Respondents

S.B. Civil Miscellaneous Appeal No. 2734/2026

CNR: RJHC020554382026 | URN: CMA / 4967U / 2026

Harish Jasuja S/o Shri Kashmiri Lal Jasuja, Aged About 54 Years, R/o Rl-12 Ridhi Sidhi Colony, Sri Ganganagar- 335001 Rajasthan.

----Appellant

Versus

1 Shakuntala Sachdeva, R/o 252/3 Shakti Nagar, Old Abadi Sri-Ganganagar Rajasthan- 335001. Mob 9461331632 E-

Mail Id Bkshakun84@gmail.com.

2 Rajender Wadhwa S/o Jagdish Chand, R/o Rajendra Wadhwa C/o Surendra Kumar Narang (Firm- Jhangi Ram Desh Rajasthan) Anaj Mandi Kesrisinghpur, District Sri Ganganagar- 335001 Rajasthan.

3 M/s MNG Dreamz, Last Registered Office 70 H Block, Pragati Tower, Sri Ganganagar- 335001.

4 Jasuja Builders, Through Proprietor Shri Harish Jasuja Last Registered Office Shop No. 9 Lakkar Mandi Sri-Ganganagar- 335001 (Now Not In Existence)

5 Anami Buildmart, Through Propritor Shri Rajender Wadhwa Address 2-B 25, Sukhadia Nagar, Sri-Ganganagar- 335001

----Respondents

S.B. Civil Miscellaneous Appeal No. 2742/2026
CNR: RJHC020550732026 | URN: CMA / 4993U / 2026

Harish Jasuja S/o Shri Kashmiri Lal Jasuja, Aged About 54 Years, R/o Rl-12 Ridhi Sidhi Colony, Sri Ganganagar- 335001 Rajasthan.

----Appellant

Versus

1 Shakuntala Sachdeva, R/o 252/3 Shakti Nagar, Old Abadi Sri-Ganganagar Rajasthan- 335001.

2 Rajender Wadhwa S/o Jagdish Chand, R/o Rajendra Wadhwa C/o Surendra Kumar Narang (Firm- Jhangi Ram Desh Rajasthan) Anaj Mandi Kesrisinghpur, District Sri Ganganagar- 335001 Rajasthan.

3 M/s MNG Dreamz, Last Registered Office 70 H Block, Pragati Tower, Sri Ganganagar- 335001.

4 Jasuja Builders, Through Proprietor Shri Harish Jasuja Last Registered Office Shop No. 9 Lakkar Mandi Sri-Ganganagar- 335001 (Now Not In Existence)

5 Anami Buildmart, Through Propritor Shri Rajender Wadhwa Address 2-B 25, Sukhadia Nagar, Sri-Ganganagar- 335001

----Respondents

S.B. Civil Miscellaneous Appeal No. 2743/2026
CNR: RJHC020550752026 | URN: CMA / 4994U / 2026

Harish Jasuja S/o Shri Kashmiri Lal Jasuja, Aged About 54 Years, R/o Rl-12 Ridhi Sidhi Colony, Sri Ganganagar- 335001 Rajasthan.

----Appellant

Versus

1 Kundan Lal S/o Ishardass, R/o 173, Surjeet Singh Colony, Gali No. 1 Sri Ganganagar- 335001 Rajasthan.

2 Rajender Wadhwa S/o Jagdish Chand, R/o Rajendra Wadhwa C/o Surendra Kumar Narang (Firm- Jhangi Ram Desh Rajasthan) Anaj Mandi Kesrisinghpur, District Sri Ganganagar- 335001 Rajasthan.

3 M/s MNG Dreamz, Last Registered Office 70 H Block, Pragati Tower, Sri Ganganagar- 335001.

4 M/s Jasuja Builders, Through Proprietor Shri Harish Jasuja Last Registered Office Shop No. 9 Lakkar Mandi Sri-Ganganagar- 335001 (Now Not In Existence)

5 Anami Buildmart, Through Propritor Shri Rajender Wadhwa Address 2-B 25, Sukhadia Nagar, Sri-Ganganagar- 335001

----Respondents

For Appellant(s)	:	Mr. Nirmal Kumar Goyal
For Respondent(s)	:	Mr. Sandeep Pathak Ms. Jaya P. Pathak Mr. Arnav Singh Ms. Pallavi Mehta

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HON'BLE MR. JUSTICE SUDESH BANSAL

Order

31/08/2026

1. In this batch of appeals, impugned orders dated 09.05.2022 passed by the Rajasthan Real Estate Regulatory Authority, Jaipur (for short, 'RERA') and order dated 12.05.2026 passed by the Rajasthan Real Estate Appellate Tribunal, Jaipur are common as much as the facts are similar and appellant is one and same person, hence, with the consent of counsel for both the parties,

these tagged appeals have been heard together and would stand decided by this common order.

2. At the outset, it is noteworthy that these appeals have been preferred within the ambit and scope of Section 58 of the RERA Act which stipulates to entertain the appeal within grounds specified in Section 100 of the Code of Civil Procedure, 1908, hence, involvement of substantial question(s) of law is *sine qua non* to entertain the appeals.

3. For the sake of convenience, the factual matrix, as arising in Civil Miscellaneous Appeal No. 2726/2026 titled as Harish Jasuja vs. Rajasthan Real Estate Regulatory Authority, Jaipur & Anr. are being taken into consideration.

4. Vide order dated 09.05.2022, RERA Authority issued directions to register the project in the name and style of "City Trade Centre" under Section 3 of the RERA Act, 2016 within a period of 30 days. The order has been affirmed in appeal by the Tribunal vide order dated 12.05.2026, hence, to impugn both the orders, appellant-Harish Jasuja has invoked the jurisdiction of High Court under Section 58 of the RERA Act, 2016.

5. Submission of counsel for appellant is that appellant owns land area of 336.12 sq.mtrs, out of the entire project of City Trade Centre, which has been developed on an area of 643.82 sq.mtrs, hence, appellant deserves exemption from registration as per Section 3(2)(a) of the Act of 2016. In alternative, further submission is that the project began way back in the year 2013, it means prior to commencement of the RERA Act, 2016, which came into effect and operation in the State of Rajasthan w.e.f. 01.05.2017, hence, appellant deserves exemption from

registration as per Rule 4(ii) of the RERA Rules, 2017. On the similar lines, the submission of counsel for the appellant is that the RERA Authority and the Appellate Tribunal have erred in placing reliance on an office order dated 08.03.2022, passed by RERA Authority which indeed has no binding effect because same has not been issued by the appropriate government, defined under Section 2(g) of the RERA Act 2016, hence, the authority as well as the Tribunal have committed gross illegality and jurisdictional error in issuing directions to the appellant to get the project of 'City Trade Centre' registered, based on the office order dated 08.03.2022.

6. To buttress his submission, counsel for the appellant has referred and relied upon the judgment of Hon'ble High Court of Madras delivered in the case of **M/S. Devinarayan Housing And Property Vs. Manu Karan**, reported in **MANU/TN/5437/2023,** decided on 20.09.2023, which has been stated to be affirmed by the Hon'ble Supreme Court.

7. *Per contra,* learned counsels appearing on behalf of the complainants urged that the directions in the impugned order are to register project of 'City Trade Centre' because it is a single project which was marketed to be sold/leased out by a partnership firm viz. M/s. MNG Dreams to which appellant and one another person namely Rajender Wadhwa were partners. It has been emphasized from the side of respondent-complainant that the Tribunal has recorded a fact finding in para No.7 of the impugned order dated 12.05.2026 to the effect that "*therefore, we may safely conclude that the project was designed, constructed and*

marketed as one single project and required to be registered under Section 3 of the RERA Act, 2016".

8. Hence, in view of such fact findings of the Tribunal, the exemption, as claimed by appellant under Section 3(2)(a) of the Act of 2016, is not available at all to the appellant.

9. In respect of seeking exemption from registration under Rule 4(ii) of the RERA Rules, 2017, it has been pointed out by counsel for the respondents-complainants that on this issue as well, fact findings have been recorded by the RERA Authority and have been affirmed by RERA Tribunal that the project of City Trade Centre is an ongoing project because as per the material available on record, out of 38 units of this project, 60% units have not been sold or leased out prior to commencement of the Act of 2016 w.e.f. 01.05.2017.

10. Hence, the submission of counsel for the respondents-complainants is that in the light of such findings, no substantial question of law arises for consideration in these appeal and the appeals deserve to be dismissed at the threshold.

11. Heard. Considered.

12. Coming to the first submission of counsel for the appellant to claim exemption from registration of the project of City Trade Centre under Section 3(2)(a) of the Act of 2016, fundamentally on the ground that appellant owns only 336.12 sq.mtrs area, which is less than 500 sq.mtrs, there is fact finding available on record that *"in this regard, it is not disputed that the number of apartments even in the individual are of appellant is more than 8 rather 38 total number of apartments situated on the land of appellant's ownership but the impugned project City Trade Center marketed*

by M/s. MNG Dreams along with M/s Jasuja Builders and M/s Anami Buildmart as one single project spread over a plot of total land measuring 643.82 square meters comprising of more than 8 apartments and having all kinds of common amenities."

13. In the opinion of this Court, taking into consideration the aim and object of mandating the registration of a project under Section 3 of the RERA Act, 2016, coupled with the fact findings as recorded by the Tribunal that it is one single project which has been developed and marketed through a partnership firm and project is spreading over more than 500 sq.mtrs. so much so comprises 38 commercial units i.e. more than 8 apartments/units, the directions for registration of project under the RERA Act may not said to be arbitrary or violative to the exemption clause of Section 3(2)(a) of the Act of 2016.

14. As far as reference of the office order dated 08.03.2022 which finds place in the order of RERA Authority so also in the order of RERA Tribunal is concerned, this Court finds that fundamentally, the reference of this office order has been given but the directions for registration of the project of the 'City Trade Centre' are not based on this office order, rather it has been concluded that the appellant is not entitled for any exemption under Section 3(2)(a) of the RERA Act, 2016 from registration of the project of City Trade Centre. Therefore, in this appeal, this Court is not required to consider or examine the binding effect or legality of the office order dated 08.03.2022 since same does not form a foundation for issuing direction of registration of the project of City Trade Centre, which is undoutedly spreading over

an area of 643.88 Sq.mtrs i.e. above 500 sq.mtrs, comprising 38 commercial units i.e. above than 8 units.

15. Coming to the another submission of counsel for the appellant, seeking exemption under Rule 4(ii) of the Rules, 2017, fact findings have been recorded in the impugned orders that appellant miserably failed to establish that 60% of the commercial units, out of total 38 units, as available for lease/sale in the project of City Trade Centre, have been either booked or leased out or sold. Counsel for the appellant made repetitive attempts to pursue this Court that the Authority and the Tribunal erred in considering the fact that the sale of third floor of the project, made by appellant Harish Jasuja to the another person Rajender Wadhwa in the year 2015 is a ruse to bring the project under the exemption clause of Rule 4(ii) of the Rules of 2017 whereas at that point of time, the RERA Act, 2016 or RERA Rules, 2017 have not come into effect and operation at all. This Court is not convinced with such arguments because the Authority and Tribunal after having considered the available lease/sale deeds, concluded that the lease/sale of 60% of the entire units of projects have not been done prior to commencement of the Act of 2016 w.e.f. 01.05.2017. Hence, no exemption under Rule 4(ii) of RERA Rules, 2017 can be granted to the appellant.

16. Reliance placed by counsel for the appellant on the judgment of the High Court of Madras delivered in the case of **M/S. Devinarayan Housing (supra)**, does not render any support to the appellant on account of factual matrix as discussed hereinabove. The High Court of Madras has observed that the word **'OR'** envisaged under Section 3(2)(a) of the RERA Act, 2016

is disjunctive and not conjunctive, it means that if either condition is not established or fulfilled, the mandate of registration of the project, shall not apply.

In the case at hand, as has been factually observed by the Tribunal in the order impugned, both conditions stand fulfilled.

17. Counsel for the appellant also referred and relied upon Section 12 of the RERA Act to urge that appellant is not covered within the conditions prescribed thereunder, but in the light of facts findings, as have been noted by this Court and recorded by the RERA Tribunal, as also in view of explanation of Section 2(zk) of RERA Act, 2016, this argument does not hold water and has been noted to be rejected.

18. No other arguments have been advanced, except the points which have been dealt with hereinabove.

19. As a final result, since no substantial question of law is involved in these appeals for consideration, therefore, appeals are bereft of merits and are not liable to be entertained/admitted within scope of Section 58 of the RERA Act, 2016.

20. Consequently, all these appeals are hereby dismissed.

21. Stay order dated dated 03.07.2026 stands vacated and stay application or other pending application(s), if any, stand(s) disposed of.

22. A copy of this order be sent to both the Courts below.

(SUDESH BANSAL),J

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