

Appeal No.320/2026 : Rajasthan Housing Board Vs. Anil Kumar Tak
Appeal No.329/2026 : Rajasthan Housing Board Vs. Sunil Sharma & Anr.
Appeal No.330/2026 : Rajasthan Housing Board Vs. Arjun Choudhary
Appeal No.331/2026 : Rajasthan Housing Board Vs. Narendra Gupta
Appeal No.332/2026 : Rajasthan Housing Board Vs. Naresh Kumar Thakral

(1)

BEFORE THE RAJASTHAN REAL ESTATE APPELLATE TRIBUNAL, JAIPUR

(1) Appeal No.320/2026

In : Complaint No.RAJ-RERA-C-N-2026-9755

Rajasthan Housing Board, "Awasthwan" Jan Path, Jyoti Nagar, Jaipur-302005
Rajasthan. **...Appellant**

Versus

Anil Kumar Tak, 189, Shree Path, Nemi Nagar Vistar Jaipur, Rajasthan, 302021.
...Respondent

(2) Appeal No.329/2026

In : Complaint No.RAJ-RERA-C-N-2026-9756

Rajasthan Housing Board, "Awasthwan" Jan Path, Jyoti Nagar, Jaipur-302005
Rajasthan. **...Appellant**

Versus

1. Sunil Sharma, F-B704, Shivgyan Casaprime, Airport Terminal-2, Jaipur, Rajasthan, 302017
2. Hem Pushpa Sharma, F-B704, Shivgyan Casaprime, Airport Terminal-2, Jaipur, Rajasthan, 302017

...Respondents

(3) Appeal No.330/2026

In : Complaint No.RAJ-RERA-C-N-2026-9754

Rajasthan Housing Board, "Awasthwan" Jan Path, Jyoti Nagar, Jaipur-302005
Rajasthan. **...Appellant**

Versus

Arjun Choudhary, A-1402 Sevn Heavens, Gandhi Path, West Vaishali Nagar, Jaipur, Rajasthan, 302021.

...Respondent

Appeal No.320/2026 : Rajasthan Housing Board Vs. Anil Kumar Tak
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Appeal No.332/2026 : Rajasthan Housing Board Vs. Naresh Kumar Thakral

(2)

(4) Appeal No.331/2026

In : Complaint No.RAJ-RERA-C-N-2026-9753

Rajasthan Housing Board, "Awasth Bhawan" Jan Path, Jyoti Nagar, Jaipur-302005
Rajasthan. **...Appellant**

Versus

Narendra Gupta, C-67, Bapu Nagar, Jaipur, Sewar Area, Near Sodhani Sweets,
Tonk Road, Ward No. 138, Jaipur, Rajasthan, 302015.

...Respondent

(5) Appeal No.332/2026

In : Complaint No.RAJ-RERA-C-N-2026-9764

Rajasthan Housing Board, "Awasth Bhawan" Jan Path, Jyoti Nagar, Jaipur-302005
Rajasthan. **...Appellant**

Versus

Naresh Kumar Thakral, 301, B- Block, Third Floor, Vitta Bhawan, Janpath, Jaipur,
Rajasthan, 302005.

...Respondent

CORAM:

Mr. Justice Madan Gopal Vyas, Hon'ble Chairperson

Mr. Yudhisthir Sharma, Hon'ble Member (Judicial)

PRESENT:

For appellant : Mr. Prashant Daga, Advocate assisted by
: Mr. Ajay Singh Rajawat, Advocate

For respondent : Mr. Rishi Raj Maheshwari, Advocate

ORDER

Reserved on 17th September, 2026

Pronounced on 29th September, 2026

Per : Mr. Justice Madan Gopal Vyas, Hon'ble Chairperson

The present appeals have been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the “RERA Act, 2016”) against the common interim-order dated 23/07/2026 passed by the Rajasthan Real Estate Regulatory Authority, Jaipur (hereinafter referred to as the “Regulatory Authority”) in Complaint Nos: RAJ-RERA-C-N-2026-9755, RAJ-RERA-C-N-2026-9756, RAJ-RERA-C-N-2026-9754, RAJ-RERA-C-N-2026-9753, RAJ-RERA-C-N-2026-9764. Since all the appeals arise out of the common interim-order dated 23/07/2026, they are being decided by this common order.

2) The facts of the case in brief are that the Appellant-Rajasthan Housing Board, which is a statutory body constituted under the Rajasthan Housing Board Act, 1970 functioning as the Promoter for the residential project title “ **AIS Residency Phase-II**”, situated at Pratap Nagar, Jaipur, registered with the RERA Authority, had launched a Self-Financing Scheme of the above AIS Residency Phase-II for All India Service Officers and eligible officers and in pursuance thereof, the appellant-Board issued an advertisement in 2022 inviting applications for the said units. In pursuance thereof, the complainant-respondents applied for allotment/participated in lottery system and submitted application form. Upon successful in the Lottery System, Reservation Letters were issued to the complainants on 08/08/2022 wherein, the price of Rs.99.86 Lacs plus applicable GST was communicated as a tentative cost, subject to final costing calculations,

statutory adjustments and administrative charges as per the statutory framework governing the Board.

3) The complainants-respondent challenged the Reservation Letters by filing complaints before the learned Regulatory Authority seeking directions to the appellant-Board (respondent therein) for fixed delivery dates, quashing of proposed administrative fee revisions and other relief.

4) The learned Regulatory Authority while issuing show cause notice to the appellant-promoter, passed an *ex-parte* interim-order in all the complaints dated 23/07/2026, as under: -

"Accordingly, an interim relief is granted to the complainants, with the direction to the respondent not to propose any increase in the original cost of the facts of Rs.99.86 lakhs each, communicated earlier by the respondent to the complainants till the next date of hearing. The respondent is also directed neither to take any coercive action against the complainants, nor demand additional payment for the units allotted to them.

Issue Notices / Show cause Notices to the respondent.

List the matter on 25.08.2026".

5) Hence, these appeals seeking the following relief: -

"It is, therefore, most respectfully prayed that this Hon'ble Appellate Tribunal may graciously be pleased to : Allow the present Appeal and quash / set aside the impugned ex-parte interim order dated 23.07.2026 passed by the Rajasthan Real Estate Regulatory Authority, Jaipur in Complaint Nos: RAJ-RERA-C-N-2026-9755, RAJ-RERA-C-N-2026-9756, RAJ-RERA-C-N-2026-9754, RAJ-RERA-C-N-2026-9753, RAJ-RERA-C-N-2026-9764".

6) Mr. Prashant Daga, learned counsel appearing for the appellant-Board has argued that the learned Regulatory Authority has failed to appreciate that in a Self-Financing Scheme executed by the government housing boards, initial cost

estimates are explicitly designated as “tentative”. Final adjustments of administrative expenditures and inflation indexation prior to final conveyance are legally permissible under the Rajasthan Housing Board Rules and do not constitute an illegal enhancement. The complainants-respondents cannot claim a legally enforceable right to freeze a price figure that was explicitly communicated as purely tentative at the time of reservation. In the absence of a finalized or non-revisable financial agreement, no prima facie legal right exists in favour of the complainants-respondents to warrant an interim injunction against the Appellant-Board. The learned Regulatory Authority did not properly evaluate the balance of convenience before passing an *ex-parte* interim-order restraining a statutory body from adjusting its administrative costs, which created practical difficulties in project administration and financial management. The complainants faced no threat of irreparable injury that could not be remedied at final adjudication. The dispute pertains solely to monetary demands and administrative charges, which are fully quantifiable. In case, the complainants succeed on merits, any excess amount paid can easily be refunded or adjusted with interest by the Appellant-Board. The learned Regulatory Authority erred in taking on record and relying upon proposals pertaining to separate and subsequent project phases i.e. Phase-III submitted by third parties without giving the appellant-Board an opportunity of hearing to demonstrate the independent financial dynamics and costing structure of Phase-II. The *ex-parte* interim relief granted by the learned Regulatory Authority, tantamount to a final

relief. Hence, the appeals be allowed and the impugned *ex-parte* interim order be quashed and set-aside. In support of his arguments, learned counsel for the appellant has placed reliance upon the judgments viz. ***State of U.P. and Others Vs. Visheshwar : 1995 Supp (3) SCC 590, U.P. Avas Evam Vikash Parishad and others Vs. Dr. N.V. Rajgopalan : 1988 SCC Online All 901, M.P. Housing Board Vs. Anil Kumar Khiwani (2005) 2 S.C.R. 765, Chief Administrator Puda and another Vs. Mrs. Shabnam Virk (2006) 3 SCR 221 and M/s.Best Sellers Retail (India) Pvt.Ltd. Vs. M/s. Aditya Birla Nuvo Ltd. & Ors. : (2012) 5 S.C.R. 834.***

Mr. Prashant Daga, learned counsel appearing for the appellants fairly admitted that the appellant-Board is not going to take any coercive action against the respondents-complainants during the pendency of the complaints.

7) *Per contra*, Mr. Rishi Raj Maheshwari, learned counsel appearing for the complainants-respondents has argued that the appellant-promoter issued the Brochure categorically stating the total number of flats being 180 and total sale consideration was of Rs.99.86 lakhs. The ambit of the said scheme was increased and state service employees were also included and were considered eligible for the said scheme. The respondent-allottee Anil Kumar Tak applied for allotment but the bid of that allottee was unsuccessful. Thereafter, unsuccessful bidders of AIS Residency-I were called for allotment of the flats in the extension of the said scheme. The said phase was merely an extension of Phase-I and, therefore,

instead of making the allotment open, same was closed and restricted only for the unsuccessful bidders of AIS-I. The cost of respective unit was Rs.99.86 lacs, which was increased to Rs.114.37 lacs under the head of ESCALATION COST. 2/3 consent of the allottees was not called for from the allottees and in this manner, the administrative charges were increased from 5% to 10% in a most arbitrary manner, whereas 5% administrative charges were fixed for Phase-I & Phase-III but for the present Phase-II, it has been increased to 10% without any justifiable reason. The respondents-allottees have been allotted flats in the residential project - AIS Residency Phase-II developed by the Rajasthan Housing Board on cost of Rs.99.86 lacs plus applicable GST and 5% of the project cost would be charged as administrative charges. On the basis of the said proposal given by the appellant-Board before the learned Regulatory Authority, which was taken on record and reservation letters issued to them that administrative charges @5% will be charged for Phase-III, the complainants paid the entire cost of the flats allotted to them including administrative charges @5% of the project cost way back in 2024 but possession of the allotted units have not still been handed over to the complainants even after payment of the entire sale consideration including other charges. Therefore, increase in administrative charges from 5% to 10% is illegal and contrary to the originally communicated reservation letters to the complainants-respondents. Hence, appeal be dismissed and the proposed enhancement of the Appellant-Rajasthan Housing Board in administrative charges from 5% to 10% be set-aside.

Learned counsel for the respondent has placed reliance upon the letter dated 09/09/2026 wrote by the Sub Housing Commissioner, Circle-I of Rajasthan Housing Board to the President Residents Welfare Society ASIS- Phase-II, Jaipur intimating that after completion of 114 Flats of Phase-II, allotment letters have been issued and till date, 20 allottees have deposited the demanded amount and out of them, 5 allottees have already taken possession. 30 allottees have filed complaints before the RERA Authority, wherein 15/09/2026 is the next date fixed. Learned counsel for the respondent has also placed reliance upon the Check List issued by the appellant-Board regarding Construction of AIS Residency, Phase-II, which has been obtained by the allottees under Right to Information Act, 2005, to contend that the appellant-Board is acting in a most discriminatory manner as, while for the residents of Phase-I and Phase-III, only 5% additional administrative charges are being charged, whereas for the present Phase-II, 10% additional administrative charges are being charged.

8) We have heard learned counsel for the parties and perused the entire material available on record.

9) First of all, it would be appropriate to reproduce the relief sought for in the complaint, as under:-

“The Complainants respectfully pray that this Hon’ble Authority may be pleased to:

1. Direct the Respondent to immediately declare and communicate a definite date for handing over possession of all flats.
2. Declare the unilateral enhancement of Administrative Charges from 5% to 10% as illegal, arbitrary and unenforceable.

3. Restrain the Respondent from recovering any amount over and above the charges originally communicated in the Reservation Letter.
4. Direct the Respondent to complete and provide all promised common amenities, including the Badminton Court, Square Court and other facilities represented at the time of allotment.
5. Appoint an independent technical expert or committee to inspect the project and assess the quality of construction.
6. Direct the Respondent to rectify all structural defects, poor workmanship and construction deficiencies at its own cost before handing over possession.
7. Award appropriate compensation for the prolonged delay, financial losses, mental agony and hardship suffered by the allottees.
8. Award interest for the delayed possession in accordance with the provisions of the Real Estate (Regulation and Development) Act, 2016.
9. Award litigation costs in favour of the Complainants.
10. Pass such further or other orders as this Hon'ble Authority may deem fit and proper in the facts and circumstances of the case".

8. Interim order, if prayed for

Pending final decision on the complaint, the complainant seeks the following interim order : **No**

In Declaration No.15(2) of the Application, the complainant declared that **I hereby declare that I carefully read over and understood the entire terms & conditions of registration and consented to abide by thereof.**

In the Reservation Letter dated 08/08/2022, it has been specified by the appellant-Board that **this reservation letter is being issued only on the basis of the estimated cost and upon determination of the final cost and on demand, the demanded amount mentioned in the allotment letter shall be deposited within the stipulated time from the date of issuance of the allotment letter.**

It will be appropriate to reproduce Point No.15 of the Principles of Costing – 2010 issued by the Rajasthan Housing Board, as under: -

“15. Administrative Charges

The administrative charges will be levied at the rate prescribed by the Board from time to time. Presently these are levied @10% on residential and 15% on commercial property and will be applied on total of direct costs items mentioned in clause 13 plus T&P charges mentioned in clause 14.

It is further revealed from the record that all the appeals were preferred against an *ex-parte* interim-order passed in all the complaints dated 23/07/2026, which was extended from time to time. The *ex-parte* interim-order was passed despite the fact that categorically, no interim relief was prayed for by the complaints. All the complainants sought the original relief regarding unilateral enhancement of administrative charges and cost of units. Since the original complaints are pending consideration before the learned Regulatory Authority and if any order passed by this Tribunal on merits, then, it will be amounted to decision of the main complaints at the stage of interim order by the appellate authority. The observation/finding of this Tribunal may adversely affect the final decision of the complaints. In such circumstances, it is not appropriate to decide these appeals on merits.

10) Therefore, without going to the merits of the appeals but looking to the facts and circumstances of the matter, learned Regulatory Authority ought to have been directed to decide the original complaints at the earliest.

11) Resultantly, all the appeals are disposed of with a direction to the Regulatory Authority to decide the complaints after giving a sufficient opportunity of hearing to both the parties, as expeditiously as possible preferably within a period of two months from today. The parties are directed to remain present before the

learned Regulatory Authority on the date already fixed in the matter. Till then, the effect and operation of the impugned order dated 23/07/2026 passed by the Regulatory Authority shall remain stayed.

12) The interim order or any other pending Misc. Application, if any, shall stand vacated.

13) A copy of this order be transmitted to the learned counsel for the parties and Raj-RERA, Jaipur.

Files be consigned to record.

**Yudhishtir Sharma,
Member (Judicial)**

**(Madan Gopal Vyas), J.
Chairperson**