

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

MSA No. 46 of 2025

(THE REAL ESTATE REGULATORY AUTHORITY Vs SHRI RAMESH KUMAR BHAWNANI AND OTHERS)

Dated : 12-09-2025

Shri Samdarshi Tiwari - Senior Advocate with Shri Palash Upadhyay -
Advocate for the appellant.

This appeal has been filed by the Real Estate Regulatory Authority impugning order dated 02.06.2025 passed by M.P. Real Estate Appellate Tribunal, Bhopal to the limited extent that the Appellate Tribunal has held that the authority under Section 81 of the Act is not entitled to delegate the quasi judicial powers to any of his officers of whatever rank he or she holds.

This appeal raise a important question of law in respect of the exercise of delegation power under Section 81 of the Real Estate (Regulation & Development) Act, 2016.

Since the appeal is not pertaining to merits of the list, which was pending before the Appellate Tribunal, notice may not be required to be issued to the parties who were litigating before the Appellate Tribunal.

One such order of delegation has been placed before us dated 27.1.2022 where powers under Sections 35, 36 and 37 of the Act have been delegated to Shri D.N. Shukla, Enforcement Officer.

Sections 35, 36 and 37 are the powers to be exercised by the authority *inter alia* of calling for information, conducting investigation, passing interim order and issuing final direction. Since the issue pertains to the power of the authority to delegate its core functions to an officer of the authority who does

not possess the qualification of Chairperson or Members of the Authority or an adjudicating authority, we deem it expedient to issue notice to the office of the Advocate General.

Issue notice to the State Government through the office of the Advocate General to assist this Court on the said aspect.

Issue notice.

Notice is accepted by Shri Anubhav Jain, Government Advocate appearing for the office of the Advocate General.

List for consideration on 14.10.2025.

In the meantime, we direct that the officers who are neither members nor adjudicating authorities shall not exercise the powers conferred under Sections 18, 35, 36 and 37 of the Act.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

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