

Emaar India Ltd.
Vs.
Vikas Mahera and another
Appeal No.165 of 2022

Present: Ms. Tanika Goyal, Advocate,
Ld. counsel for the appellant.

Office report perused.

Appeal be registered.

To comply with the provisions of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called as, 'the Act'), as reported by the office this Tribunal, after adjustment of Rs.4,90,550/- as ordered by the Ld. Authority in the impugned order the appellant has deposited an amount of Rs.33,13,971/-. Thus, the compliance of provisions of proviso to Section 43(5) of the Act has been duly made.

Along with this appeal, the appellant has moved an application for condonation of delay in filing the present appeal. There is a delay of 86 days in filing the present appeal.

Heard on the application for condonation of delay.

In view of the reasons mentioned in the application and as per the directions given by the Hon'ble Apex Court in *Suo Motu* (C) No.3 of 2020, the application for condonation of delay is hereby allowed and the delay of 86 days in filing the present appeal stands condoned, however, subject to just objection by the opposite party.

Heard on the main appeal.

Ld. counsel for the appellant has submitted that the Ld. Authority while adjudicating the interest on delayed possession has not considered the grace-period and plea of force majeure taken by the appellant.

Let notice of the present appeal be issued to the respondents for 22nd August, 2022 on filing the copies of the paper-book and registered cover etc. within four days.

Inderjeet Mehta
Member (Judicial)
Haryana Real Estate Appellate Tribunal
Chandigarh

Anil Kumar Gupta
Member (Technical)

July 19, 2022
Manoj Rana