

Emaar India Ltd.
Vs.
Padampur Nirman Pvt. Ltd.
CM Nos. 307 and 308 of 2024
In Appeal No. 172 of 2024

Present: Mr. Kunal Dawar, Advocate along with
Mr. Vipul Sharma, Advocate,
Ms. Tanika Goyal, Advocate,
Mr. Mayank Aggarwal, Advocate,
Mr. Ashish Joshi, Advocate,
Ms. Sukriti Rai, Advocate,
for the appellant.

Mr. Amandeep Singh Talwar, Advocate, along with
Mr. Abhijeet Singh Rawley, Advocate,
for the respondent.

At the out-set, Mr. Kunal Dawar, Advocate refers to an
order passed by the Adjudicating Officer, HRERA, Gurugram on
06.08.2024 which reads as under:

*“Learned counsel for JD requests for adjournment
stating that his client has already filed appeal before the
Appellate Tribunal. on the other hand, learned counsel
for DH insists to proceed further stating that there is no
stay order from the Appellate Tribunal.*

*Admittedly there is no stay order from the
Appellate Tribunal. It is made clear to the learned
counsel for JD that either same gets order of stay in the
execution petition, otherwise this forum will have no
option but to proceed with execution petition.*

*To come up on 10.10.2024 for further
proceedings.”*

Mr. Dawar expresses his apprehension that in view of
the aforesaid order, coercive steps will be initiated against the
appellant on the next date of hearing i.e. 10.10.2024. He submits
that appeal be listed for final hearing, meanwhile, interim
protection be granted.

Faced with this situation, Mr. A. S. Talwar, Advocate
submits that they would not press the execution petition pending
before the Adjudicating Officer on 10.10.2024.

In the facts and circumstances of the case, it is directed that the appeals be listed for hearing on 14.10.2024 as there are holidays during interregnum.

In view of the statement made by learned counsel for the respondent, this Bench has no doubt that no coercive steps would be taken till the next date of hearing. The Adjudicating Officer to ensure.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)
(Joined through VC)

04.10.2024
MK