

M/s IREO Grace Realtech Pvt. Ltd.
Vs.
Radhika Garg
CM Nos. 398, 399, 400 & 401 of 2024
In Appeal No.196 of 2024

Present: Mr. Kamaljeet Dahiya, Advocate, along with
Ms. Navneet Kaur, Advocate,
for the appellants.

Learned counsel for the appellants has relied upon an order dated 12.09.2023 passed by the Hon'ble High Court of Punjab and Haryana in CWP Nos. 19638, 19708, 19728, 19738, 19772, 19774, 19811, 19864, 19873, 19912 and 20039 of 2023 titled as IREO Grace Realtech Pvt. Ltd. and others vs. State of Haryana and others. Operative part thereof reads as under:-

“3. After arguing for some time and after drawing our attention to the table in Para No.25 of the writ petition, it has been pointed out that various amounts would be outstanding against the allottees. However, since there is remedy of appeal available under Section 43 of the Real Estate (Regulation and Development) Act, 2016, counsel submits that the petitioners may be relegated to their remedy before the Appellate Tribunal. It is submitted that though there is a requirement of pre-deposit, he has relied upon the observations made by the co-ordinate Bench in CWP-6688-2021, Ramprastha Promoters and Developers Pvt. Ltd. vs. Union of India and others, decided on 13.01.2022 that he would file an appropriate application before the Appellate Tribunal for dispensing with the pre-deposit issue projecting the hardships etc. of the petitioners in accordance with law.

4. Keeping in view the above, we permit the writ petitions to be dismissed as withdrawn with the aforesaid liberty.

12.09.2023

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE”

Appeal No.196 of 2024

In light of above, issue notice of CM No.401 of 2024 seeking exemption/waiver from making pre-deposit as mandated by proviso to Section 43(5) of the RERA Act, 2016, to the respondent for 02.09.2024.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

19.07.2024
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