

M/s Emaar India Ltd.
Vs.
Pijus Kanti Biswas and Anr.

Appeal No. 251 of 2022

Present: Shri Kunal Dawar, Advocate, Ld. counsel for the appellant.

Office report perused.

The appeal be registered.

As per the report of the office, the appellant has deposited a total sum of Rs. 15,77,108/- to comply with the provisions of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (in short the Act). The said amount is correct as per calculations made by our office. So, the provision of proviso to Section 43 (5) of the Act stands complied with subject to just objections by the respondents.

Along with present appeal, an application for condoning the delay of 109 days has also been filed. The application is duly annexed with the affidavit of the Authority Representative of the appellant-company. Perusal of the file reveals that the present appeal has been filed on 03.06.2022.

As per the directions vide order dated 10.01.2022 issued by the Hon'ble Apex Court in Suo Moto Writ Petition (C) No.3 of 2020, the period up to 31.05.2022 stands condoned and in this way there is only delay of three days.

For the reasons stated in the application, which is duly annexed with the affidavit of the Authorised Representative to the appellant-company, the delay of three days is hereby condoned.

Ld. counsel for the appellant has also moved an application U/s 151 CPC r/w 53 & 54 of RERA Act for refund of the excess amount deposited towards the pre-deposit.

Ld. counsel for the appellant has inter alia contended that the delay period has not been properly adjudicated.

Let notice of the said application as well as appeal be served upon the respondent for 30.09.2022 on filing the copies of paper book and registered cover etc. within three days.

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

Anil Kumar Gupta
Member (Technical)

23.08.2022
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