

Ajay Enterprises Pvt. Ltd.
Vs.
Kenwood and Clifton Apartment and others
CM No. 509 of 2024
In Appeal No. 263 of 2024

Present: Mr. Aashish Chopra, Sr. Advocate, assisted by
Mr. Dinesh Grover, Advocate,
Mr. Yashpal Sharma, Advocate,
for the appellant.

Mr. Nitin Kant Setia, Advocate
for respondent no. 1.

It appears on 12.07.2024, statement was made before this Tribunal that the Authority is no longer interested in relying upon the information sought in para 4 (a) to (f) of the impugned order. Same reads as under:-

“a. To get conducted a financial audit from the Chartered Accountant firm appointed by the Authority. The respondent company shall make all the documents and records available to the audit party as necessary for carrying out proper audit.

b. To provide bank account statements in which the proceeds received from the flats/plots applicants/ allottees were deposited and withdrawn for the development of the project and the supporting documents in support of the receipts/collections from the applicants/allottees and details when received in the above bank statements and details / reconciliation of the receipts/collections received in cash and subsequently deposited in the above Bank Accounts.

c. To provide the details of the expenses incurred on the project along with the supporting documents that will enable the auditor to verify that the payments made are for the projects and are in proportion to the development work carried out. To also provide the audited financial statements of the project along with the books of accounts since the inception of the project.

d. Details of the total flats/plots, allotted, resumed/ surrendered and lying unsold/un-allotted and layout and zoning plans of the project along with approval letters/ documents from the relevant authorities to be provided.

e. To place on record related Certificates of Engineer / Architect / Chartered Accountant in support of the claims

made by the promoter regarding withdrawals made from the dedicated bank account for the purpose of utilization in the project.

f. In case loan/s have been obtained from Banks / Finance Institution towards the construction of the project, necessary loan account statement/s and loan utilization to be provided.”

Mr. Chopra submits that other information sought by the Authority is also not relevant. He prays for some time.

In the interests of justice, the case is adjourned to 05.11.2024.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)

30.09.2024
Rajni