

Experion Developers Pvt. Ltd.
Vs.
Gopal Krishan Arora (HUF)
Appeal No. 277 of 2022

Present: Ms. Rupali Shekhar Verma, Advocate, ld. counsel for the appellant.

The appellant has moved an application for placing on record the demand draft to the tune of Rs. 18,72,299/- to comply with the provisions of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016. However, ld. counsel for the appellant has submitted that though the appellant has already moved an application before the ld. Authority for rectification of the impugned order but to comply with the order of this Tribunal, the aforesaid demand draft has been submitted without prejudice to the outcome of the application preferred by the appellant for rectification of the impugned order before the ld. Authority. Thus, the compliance of proviso to Section 43(5) of the Act stands complied with.

An application for condoning the delay of 133 days in refilling of the appeal has been moved, which is duly supported by an affidavit of the Authorised Representative of the appellant-company.

For the reasons stated in the application, which is duly supported by an affidavit of the Authorised Representative of the appellant-company, the delay of 133 days in refilling of the present appeal is hereby condoned.

Ld. counsel for the appellant has inter alia contended that the ld. Authority has wrongly adjudicated the due date of possession.

Let notice of the present appeal be issued to the respondents for 17.01.2023 on filing the copies of paper book and registered cover etc. within three days.

On the request of Ld. counsel for the appellant, it is mentioned that the appellant has deposited the entire amount which has become payable to the respondents-allottees till the date of filing this appeal with this Tribunal and we hope that this fact shall be taken into consideration in a judicious manner by the Ld. Authority.

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

Anil Kumar Gupta
Member (Technical)

07.12.2022
rajni