

Ritu Garg and another
Vs.
Maxworth Infrastructure Pvt. Ltd.
CM No. 689 of 2024
In Appeal No.296 of 2024

Present: Mr. Akshat Mittal, Advocate
for the appellants.

On the last date hearing, the following order was
passed in this case:

“Mr. Mittal submits that appellant-allottees are not in possession of the unit in question. Finding of the Authority in this respect in para 12 is incorrect. He submits that he shall file an affidavit of one of the appellants in this regard.

Two weeks’ time is granted.

List on 28.02.2025.”

Today, Mr. Mittal seeks to place on record an affidavit of Ms. Ritu Garg, one of the appellant-allottees. Same is taken on record. Registry to paginate the paper book accordingly. Para 3 thereof reads as under:

“That vide para 12 of the impugned order dated 01.03.2024, the Ld. Authority below has wrongfully observed that since complainants had taken possession in 2016 which was prior to due date, therefore, no direction of handover of possession is needed. It is submitted that despite clear assertions and documents on record, the Ld. Authority below has ignored the fact that it is the respondent who is in possession since 17.04.2018. Further, the authority below in para 15 of the impugned order has itself observed that the possession of the allotted unit has not yet been taken by the allottee.”

Mr. Mittal vehemently contends that the finding of the authority is to the effect that allottees are already in possession would prejudicially affect their rights and cause irreparable loss. He has made an oral request to implead

HRERA, Gurugram as respondent no. 2 in the array of the parties. In view of the facts and circumstances of the case and affidavit filed today, this prayer is accepted. HRERA, Gurugram be impleaded as respondent no.2 in the array of the parties.

Issue notice for 24.04.2025.

Notice re: condonation of delay (CM No. 689 of 2024) as well.

Process be issued for this purpose.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

28.02.2025
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