

Sanjiv Mehrotra Vs. BPTP Ltd.
Appeal No. 32 of 2018

Present: Shri Nitin Kant Setia, Advocate, Ld counsel for the appellant.

Shri Hemant Saini, Advocate, Ld counsel for the respondent.

Shri Hemant Saini, Advocate, Ld counsel for the respondent has made the following statement:

“That I will certainly argue the present appeal on merit on 30.10.2019 positively whatever the proceedings may be before the Hon’ble High Court in the appeal filed by the respondent /promoter against the dismissal of the cross appeal due to non-deposit of the amount under proviso to Section 43 (5) of the Real Estate (Regulation and Development) Act, 2016 and I will not seek any further adjournment.”

2. Ld counsel for the appellant states that the appellant is ready to take the possession by depositing the part amount of Rs.2,00,000/-, subject to decision of this appeal. This appeal is pending since long. The appellant/allottee is not able to get the possession of the unit allotted to him by the respondent/promoter. The appellant/allottee has come forward with a proposal to deposit a part amount of Rs.2,00,000/- with the respondent/promoter to obtain the possession, subject to decision of this appeal. As an interim measure this offer seems to be justified. The possession will be offered in the shape of the flat as provided in the agreement. Shri Hemant Saini, Advocate, Ld counsel for the respondent has undertaken to convey this offer of the appellant to the respondent/promoter and we hope that this offer of the appellant/allottee shall be considered favourably by the respondent/promoter. It is made clear that if the respondent/promoter accept this offer, which we earnestly hope, will

not be a precedent for any other case. Thus the acceptance of this offer should be intimated to the appellant/allottee through email within 10 days. The outcome of this proposal be communicated to this Tribunal on or before 24.10.2019 with reasons for non-acceptance, if any.

3. Now to come up on 30.10.2019 for further proceedings. If no settlement takes place between the parties as per the aforesaid proposal, the arguments on merits shall be heard as per the statement given by the Ld counsel for the respondent.

4. Copy of this order be supplied to Ld counsel for the parties for compliance under the signatures of the Judgment Writer/Reader of this Tribunal.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh
10.10.2019

Inderjeet Mehta
Member (Judicial)
10.10.2019

Anil Kumar Gupta
Member (Technical)
10.10.2019