

Sanjiv **Mehrotra** Vs. BPTP Ltd.
Application No.10 of 2021
In
Appeal No.32 of 2018

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

Shri Himanshu Monga, Advocate, for Sh. Hemant Saini, Advocate, Ld. counsel for the respondent.

{The presence of Sh. Nitin Kant Setia, Advocate is being recorded through video conferencing since the proceedings are being conducted in virtual Court}

Respondent has filed the reply to the application for revival of the present appeal. Ld. counsel for the respondent is directed to supply the soft copy of the application to ld. counsel for the appellant today itself. The hard copy of the application be also sent in due course to ld. counsel for the appellant.

We have also received the request of Sh. Hemant Saini, Advocate, ld. counsel for the respondent that he is unable to join the proceedings today due to some family problem. So, the case is adjourned.

Now to come up on 24.02.2021 for consideration on this application.

The respondent is directed to place on file the copy of the Civil Writ Petition No. 37039 of 2019 and the copy of SLP (C) No. 13321 of 2020. Respondent is also directed to file the affidavit of its Director to the effect as to whether there is any stay order from any higher courts restraining this Tribunal from deciding this appeal on merits. We are constrained to pass this order due to the conduct of the respondent. It is also pertinent to mention that in compliance of our order dated 23.12.2019, the appellant has already deposited a sum of Rs. two lakhs with the respondent company for delivery of possession.

When we were going to conclude our order, Mr. Hemant Saini, Advocate, ld. counsel for the respondent has appeared virtually before this Tribunal and stated that the respondent company is ready to deliver the possession in compliance of order dated 23.12.2019 by the next date of hearing.

It is clarified that this delivery of possession in the present case shall not be treated as a precedent in other cases pending against the respondent-company.

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

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

12.02.2021
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