

Emaar India Ltd. Vs. Rajeshwar Arora & Anr.

Appeal No. 347 of 2021

Present: Shri Mayank Aggarwal, ld. proxy counsel for Shri Kunal Dawar, Advocate, Ld. counsel for the appellant.

Shri Tushar Bahmani, Advocate, ld. counsel for the respondent.

Today, an application under Section 151 CPC has been preferred by the appellant for issuance of the direction to the respondent to take over the possession of the allotted unit. In the said application, it has been also mentioned that the amount outstanding towards the complainant/respondent shall be adjusted subject to final outcome of the appeal.

Ld. counsel for the respondent is ready to take the simple possession of the unit. However, the respondent should not be asked to sign any NOC at the time of handing over of the possession to the same.

Ld. counsel for the appellant has stated that the appellant-company would handover the possession of the unit to the respondent on 10.01.2023, without asking for any NOC and the appellant-company would give at least a weeks prior intimation to the respondent in this regard. However, it is again made clear that the liability of the parties regarding the amount would be subject to final outcome of the appeal on merit.

Now the case stands adjourned to 30.01.2023 for further proceedings/arguments.

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

Anil Kumar Gupta
Member (Technical)

16.12.2022
Rajni