

India Bulls Housing Finance Ltd.

Vs.

HARERA, Gurugram

Appeal No. 351 of 2020

Present: Shri Randeep Singh Rai, Ld. Senior Advocate, with Sh. Gautam Dutt, Advocate, Ld. counsel for the appellant.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

Office report perused.

The appeal be registered.

Ld. counsel for the appellant pleaded that the Ld. Authority has wrongly held the appellant to be promoter and has issued the directions which could not have been issued to the appellant as the appellant does not fall in the definition of the promoter as the appellant is only a financial institution which had granted loan to M/s Supertech Limited promoter of the project.

He contended that the project is already registered with the Ld. Authority still the directions have been issued for the registration of the project. Direction to open the escrow account was issued to M/s Supertech Limited, the promoter on 24.05.2019. He has further contended that the Ld. Authority has observed that the private agreement between the parties shall stand abrogated. Thus, even the mortgage deed executed by the promoter in favour of the appellant has been abrogated, which is contrary to law.

Shri Randeep Singh Rai, Ld. Senior Advocate has further orally requested to implead M/s Supertech Limited as respondent no. 2. The request made by Ld. counsel for the appellant is hereby allowed. M/s Supertech Limited, the

Promoter be impleaded as respondent no. 2. The amended memo of parties be filed on the next date of hearing.

Let notice of this appeal as well as the stay matter be issued to the respondent for 09.12.2020 on filing the copies of paper book and registered cover etc. today, through post, email and dasti as well.

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

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

07.12.2020
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