

Emaar India Ltd. Vs. Initia Solutions Pvt. Ltd.

Caveat No.71 of 2022

In Appeal No.372 of 2022

Present: Sh. Randeep Singh Rai, Ld. Senior Advocate, with Sh. Kunal Dawar, Sh. Sanjeev Sachdeva, Ms. Rubena Virmani, Ms. Tanika Goyal, Sh. Siddharth Gupta, Advocates, Ld. counsel for the appellant.

Sh. Akshay Bhan, Ld. Senior Advocate, with Sh. Amandeep Singh Talwar and Sh. Ravinder Singh, Advocates, Ld. counsel for the respondent/caveator.

Office report perused.

Appeal be registered.

As per direction No.(v) given by the Ld. Authority in the impugned order, the appellant was allowed to set off the outstanding dues upon duly informing the complainant in writing against the delayed possession charges, which the respondent is liable to pay to the complainant.

Ld. counsel for the appellant wants time to seek instructions from the appellant with respect to the compliance of the aforesaid direction. Needful be done within a week.

Sh. Akshay Bhan, Ld. Senior Advocate, along with Sh. Amandeep Singh Talwar, Advocate, have appeared on behalf of the respondent/caveator. They state that they have not received any intimation so far in writing from the appellant with respect to set off the amount. However, they accept notice of the appeal.

It is made clear that the acceptance of the notice in these circumstances is only for the purpose of clarification with respect to the compliance of Section 43(5) of the Real Estate (Regulation & Development) Act, 2015 (in short the Act) and it will not be considered to be the notice of the main appeal.

Now to come up on 20.05.2022 for seeing compliance of Section 43(5) of the Act and for further appropriate proceedings.

Justice Darshan Singh (Retd.)

Chairman

Haryana Real Estate Appellate Tribunal

Chandigarh

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

13.05.2022

GVT