

M/s Emaar India Ltd.
Vs.
Manju Kharyat
Appeal No. 411 of 2022

Present: Ms. Rupali Shekhar Verma, Advocate, Ld. counsel for the appellant.

Office report perused.

The appeal be registered.

As per the report of the office, the appellant has deposited a total sum of Rs. 32,94,606/- to comply with the provisions of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (in short the Act). The said amount is correct as per calculations made by our office. So, the provision of proviso to Section 43 (5) of the Act stands complied with.

Though, there is delay of 9 days in filing and 40 days in refilling of the present appeal but no formal application for condonation of delay of 9 days in filing of the appeal has been filed but the application for condonation of delay of 40 days in refilling of the appeal has been filed. Ld. counsel for the appellant has requested for condoning the same.

Keeping in view of the fact that the delay is only for a period of 9 days, so, the same is hereby condoned, however, subject to just objections by the respondent.

For the reasons recorded in the application for condonation of delay of 40 days in refilling of the appeal, which is duly supported by an affidavit of Ld. Authorised Representative of the appellant, the delay of 40 days in refilling of the appeal is hereby condoned.

Ld. counsel for the appellant has inter alia contended that the Ld. Authority has not properly adjudicated the due date of possession and the plea of grace period has raised by the appellant has not been properly dealt with.

Let notice of the present appeal be issued to the respondent for 13.10.2022 on filing the copies of paper book and registered cover etc. within three days.

On the request of Ld. counsel for the appellant, it is mentioned that the appellant has deposited the entire amount which has become payable to the respondents-allottees till the date of filing this appeal with this Tribunal and we hope that this fact shall be taken into consideration in a judicious manner by the Ld. Authority.

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

Anil Kumar Gupta
Member (Technical)

02.09.2022
rajni