

Magic Eye Developers Pvt. Ltd. Vs. Naveen Kumar
Appeal No. 413 of 2022

Present: Shri GPS Baweja, Advocate,
Ld. counsel for the appellant.

Office report perused.

Appeal be registered.

As per the report of the office, the appellant has deposited a total sum of Rs.13,51,589/- to comply with the proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (for short, 'the Act'). The said amount is correct as per calculations made by our office. Thus, the provision of proviso to Section 43 (5) of the Act stands complied.

There is delay of 01 day in filing the present appeal, but no formal application has been preferred by the appellant.

As per the directions issued by the Hon'ble Apex Court in Suo Moto Writ Petition (C) No.3 of 2020 vide order dated 10.01.2022, the delay for a period of 01 day is hereby condoned, however, subject to just objections by the opposite party.

Ld. counsel for the appellant has inter alia submitted that the Ld. Authority while adjudicating the period for delayed possession has not considered the grace period as per the stipulation made in the agreement entered into between the parties.

Let notice of the present appeal be issued to the respondent.

Shri Arun Sharma, Advocate has voluntarily put in appearance on behalf of the respondent and accepted notice on his behalf. He has filed "Power of Attorney" on behalf of the respondent. The same is taken on record.

Service is complete.

Ld. counsel for the appellant is directed to supply the complete copy of the appeal during the course of the day.

Now, to come up on 16.12.2022 for arguments.

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

Anil Kumar Gupta
Member (Technical)

09.11.2022
Manoj Rana