

Cosmos Infrass Engineering India Pvt. Ltd.

V/s

Abhinandan Kohli and anr.

Appeal No. 418 of 2021

Present: Shri Gaurav Chopra, learned Senior Advocate, with Shri Rihsab Bajaj, Advocate, ld. counsel for the appellant.

{The Court proceedings conducted through VC}

We have received an email from the appellant that the appellant has deposited a sum of Rs. 26,20,253/- to comply with the provision of Section 43(5) of the Act, 2016 (in short "Act"). As per the calculations made by our office, the appellant was required to deposit this very amount. So, the appellant has complied with the provisions of Section 43(5) of the Act, however, subject to just objections and verification of the deposit by the office.

There is delay of 186 days in filing the present appeal. The appellant has moved an application for condonation of delay.

Heard on the application.

The impugned order was passed on 18.11.2020 and was uploaded on 15.12.2020, which falls within the period of lockdown due to COVID-19 outbreak. The case in hand is fully covered by the directions of the Hon'ble Apex Court in Suo Moto Writ Petition (C) No.3 of 2020.

In view of the aforesaid directions given by the Hon'ble Apex Court in aforesaid Suo Moto Writ Petition, the delay in filing the present appeal stands condoned, however, subject to just objections by the respondents.

Ld. counsel for the appellant contended that the ld. Authority has passed the ex-parte order without affording any opportunity of being heard to the appellant. The appellant has not issued notice about the date of hearing. Thus, he inter-alia contended that the impugned order is bad in law.

Let notice of the present appeal as well as the stay application be issued to the respondents for 04.04.2022 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.

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

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

28.02.2022
rajni