

M/s Alpha Corp. Development Pvt. Ltd.
Vs.
Krishi Rasayan Exports Pvt. Ltd.

Appeal No. 428 of 2019

Present: Ms Parul Singh, Advocate, Ld counsel for the appellant.
Sh. Gaurav Gupta, Advocate, Ld proxy counsel for Shri Vikasdeep, Advocate, Ld counsel for the respondent.

On the last date of hearing the application moved by the appellant for waiver of the condition of pre-deposit was dismissed and the appellant/promoter was directed to deposit the requisite amount with this Tribunal on or before 11.11.2019. As per the report of the office no amount has been deposited.

2. Ld counsel for the appellant has filed the calculation sheet. She contended that as per the impugned order passed by the Ld Authority, the amount payable by the complainant/respondent/allottee was to be adjusted against the amount payable by the appellant/promoter in accordance with the principles stated in the impugned order. She contended that as per the calculation sheet filed today the appellant is not required to pay anything to the respondent/allottee, rather the appellant/promoter is to recover the amount due from the respondent/allottee. Thus, she contended that there was no need for deposit of any amount. Copy of this calculation sheet has been supplied to Ld counsel for the respondent. He request a date on the ground that Shri Vikasdeep, Advocate Ld counsel for the respondent is unable to attend the proceedings today as he is ill.

3. The appellant/promoter has come up with these calculations after the dismissal of their application for waiver of the condition of pre-deposit. If the appellant/promoter was not to

pay anything to the respondent/allottee as per the impugned order passed by the Ld Authority there was no reason for the appellant/promoter to move the application for waiver of the condition of pre-deposit. By moving that application the appellant/promoter has wasted the time of this Tribunal. The application moved by the appellant/promoter for waiver of the condition of pre-deposit was dismissed by this Tribunal on 15.10.2019 and the time to deposit the amount was given up to 11.11.2019. Even during this period no application has been moved by the appellant/promoter that no amount is payable. These calculations without any supporting documents have been filed today when the date of deposit has already elapsed. It shows the tendency of the appellant/promoter just to prolong the proceedings and is liable to be burdened with the cost of Rs.5,000/- to be deposited with District Legal Service Authority, Sonipat before the next date of hearing.

4. The calculations filed today are not supported by any supporting document. The appellant/promoter is directed to file the affidavit of one of its Director clearly stating therein the amount of interest payable by the appellant to the respondent as per the impugned order passed by the Ld Authority and the amount recoverable by the appellant from the respondent/allottee in accordance with the impugned order. The said affidavit must be supported by the cogent and reliable documentary evidence. The said affidavit be filed within 5 days alongwith the necessary documents with advance copy to Ld counsel for the respondent.

5. Now to come up on 20.11.2019 for further proceedings. The respondent/allottee shall also be at liberty to

file its own calculations in response to the calculations filed by
the appellant.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh
13.11.2019

Inderjeet Mehta
Member (Judicial)
13.11.2019

Anil Kumar Gupta
Member (Technical)
13.11.2019