

M/s Alpha Corp. Development Pvt. Ltd.

Vs.

Krishi Rasayan Exports Pvt. Ltd.

CM No.17 of 2020

In

Appeal No.431 of 2019

Present: Shri Harsh Bungar, Advocate, along with Ms. Parul Singh, Advocate, Ld. counsels for the appellant.

Shri Vikas Deep, Advocate, Ld. counsel for the respondent.

Shri Atul Sharma, the Director of the appellant company has filed an affidavit along with calculations in compliance of our order dated 11.12.2019. In the last order, we have given the direction that the appellant will explain as to how the amount of ₹3,33,379/- was worked out. We have perused the calculations submitted with the affidavit, which shows that a sum of ₹1,68,937/- have been charged towards EDC and ₹1,22,566 have been charged towards IDC. Ld. counsel for the respondent has stated that the respondent-allottee has already paid the EDC and IDC to the appellant-promoter. It is not clear as to how the amounts mentioned above, EDC and IDC, have been calculated. What was the total demand from the Government towards EDC and IDC and what was the proportionate to be paid by the respondent-allottee. It is not clear as to whether the aforesaid amounts are towards enhanced EDC/IDC or the EDC/IDC due to increase of the area.

The present appeal is lingering at the stage of compliance of the provisions of proviso to Section 43(5) the Real Estate (Regulation and Development) Act, 2016

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(hereinafter called 'the Act'), for the last many dates. So, the Director of the appellant company should file the affidavit with the aforesaid clarifications within seven days with an advance copy to the Ld. counsel for the respondent.

Now to come up on 6th February, 2020 for further proceedings.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh
23.01.2020

Inderjeet Mehta
Member (Judicial)
23.01.2020

Anil Kumar Gupta
Member (Technical)
23.01.2020