

SS Group Pvt. Ltd.
V/s
Sandhya Sharma and ors.

Appeal No. 443 of 2020

Present: Shri Yashpal Sharma, Advocate, Id. counsel for the appellant.

Shri Himanshu Gupta, Advocate, Id. counsel for the respondents.

Today, the case is fixed for arguments on an application for condonation of delay as well the appeal.

However, during the course of hearing, Id. counsel for the respondent has stated at bar that he has no objection if the application preferred by the appellant for condonation of delay of 427 days in filing as well as the application for condonation of delay of 568 in refilling of the appeal is allowed and, in fact, the respondents-allottees intend to have the lis decided on merit.

In view of the statement made by Id. counsel for the respondent at bar, the application for condonation of delay in filing and application for condonation of delay in refilling of the appeal stand allowed.

However, during the hearing of the appeal, it has been transpired that so far the possession has not been delivered to the respondents-allottees. Though, the possession has been offered to the respondents-allottees but they have disputed the same alleging that the amount which has been asked to be paid by them in the offer of possession letter, they are not liable to pay the same. Admittedly, the respondents-allottees have made the payment of Rs. 43,15,711/- against the basic sale price of Rs. 44,59,575/- of the unit. As per the letter of offer of possession, the appellant has raised the demand of Rs. 4,99,300/-, which has been disputed by Id.

counsel for the respondents-allottees. The appellant has already deposited an amount of Rs. 15,81,560/- to comply with the provisions of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.

Since, the respondents-allottees have admittedly paid an amount of Rs. 43,15,711/- against a basic sale price of Rs. 44,59,575/- of the unit, so, in these circumstances, the appellant is directed to hand over the possession of the unit to the respondents-allottees within a period of four weeks, subject to the liability of the parties qua each other, which would be adjudicated at the time of final arguments.

Now the case stands adjourned to 17.04.2023 for further proceedings as well as arguments.

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

Anil Kumar Gupta
Member (Technical)

23.01.2023
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