

M/s TDI Infrastructure Ltd. vs. Manoj Suneja**Appeal No.472 of 2019**

Present: Shri Rajnish Singh, Advocate, learned counsel for the appellant.
Shri Satish Mishra, Advocate, learned counsel for the respondent.

Today, the case was fixed for seeing the compliance of the order dated 22.08.2019 handed down by this Tribunal vide which the appellant/promoter was granted an opportunity to comply with the proviso to section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter called 'the Act') and the appellant was also directed to file fresh calculations showing the amount imposed by the learned Real Estate Regulatory Authority, Panchkula (hereinafter called 'the Authority') as per the impugned order within 15 days with advance copy to the learned counsel for the respondent and the requisite amount was to be deposited with this Tribunal on or before 09.09.2019.

As per the report of the office, the aforesaid compliance was not made till 11.09.2019.

However, learned counsel for the appellant has placed on record copy of the Gmail vide which the learned counsel for the appellant in compliance of the order dated 22.08.2019 had sent the calculation to the opposite party on 03.09.2019 and had also undertaken to deposit the Demand Draft with the Registry on 12.09.2019. Learned counsel for the appellant has also placed on the file the calculation sheet, copy of which had been sent to the opposite party on 03.09.2019 as well as the original draft dated 05.09.2019 of the amount of Rs.2,88,658/-.

A perusal of the aforesaid documents shows that the appellant had intention to comply with the order dated 22.08.2019 handed down by this Tribunal and in compliance of the same not only the counsel for the appellant has sent the calculation-sheet to the opposite party but has also placed on file the original draft dated 05.09.2019 which shows that prior to 09.09.2019 the appellant had got the said draft prepared to deposit the same with this Tribunal.

Thus, in view of these aforesaid facts and circumstances, request made by the learned counsel for the appellant for extension of time to deposit the amount due and to comply with the proviso to section 43(5) of the Act, is hereby accepted subject to payment of Rs.10,000/- as cost to the opposite party. The demand draft dated 05.09.2019 prepared in favour of 'Haryana Real Estate Appellate Tribunal' for the amount of Rs.2,88,658/- is hereby ordered to be taken on record. The concerned official is hereby directed to deposit the same in accordance with rules. However, the calculation of the amount and deposit of the demand draft is subject to just objections, if any, raised by the respondent.

Now to come up on 31.10.2019 for arguments.

Inderjeet Mehta
Member (Judicial)
12.09.2019

Anil Kumar Gupta
Member (Technical)
12.09.2019