

Keerat Kalra
Vs.
Splender Landbase Ltd. and others
Appeal No.475 of 2022

Present: Ms. Rupali Shekhar Verma, Advocate assisted by
Mr. Yashvir Singh Balhara, Advocate,
for the appellant.

Mr. Shobit Phutela, Advocate,
for the respondents.

The appellant applied a flat in the project to be set up by the promoter (Splender Landbase Ltd.) at Panipat. The application was made in the year 2013 as the project was not completed in time. The appellant filed a complaint before the Authority at Panchkula for refund of the entire amount along with interest from the respective dates of payments till realization.

The Authority below, however, allowed interest on delay in possession w.e.f. March, 2018. It was *inter alia* observed that para no. 25 of the judgment **M/s Newtech Promoters and Developers Private Limited vs State of U.P. and ors.” 2022 (1) RCR (Civil) 357** passed by the Hon’ble Apex Court may not be considered to be having binding force of all subordinate Courts in the country. The relevant observations as contained in para no. 9 of the impugned order are as under:-

“This authority observes that para 6 to 25 are general observations made by Hon’ble Apex Court in regard to broad scope of the Act. In these paras no specific question of law or fact was before the Hon’ble Apex Court. Para 25 of the judgment therefore, may

not be considered to be having binding force on all subordinate Courts in the country.”

Learned counsel for the parties who addressed at some length drew our attention to the aforesaid observations.

We are unable to comprehend as to how the Authority arrived at the conclusion that judgment in M/s Newtech Promoters and Developers Private Limited (Supra) may not be considered to have binding force of all subordinate Courts in the country. The authority based its judgment, proceeding on this premise.

Under the circumstances, we deem it proper to seek comments of the Authority on this issue. Same be furnished within three weeks from today.

To come up on 01.06.2023.

Photocopy of this order be placed on file of each appeal i.e. Appeal Nos.476, 477, 478, 480 of 2022.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

09.05.2023
Rajni