

Emaar India Ltd.  
V/s  
Mr. Prashant Bajaj

Appeal No. 499 of 2021

Present: Shri Kunal Dawar, Advocate ld. counsel for the appellant.

*{The aforesaid presence is being recorded through video conferencing}*

Office report perused.

The appeal be registered.

As per the report of the office, the appellant has deposited a total sum of Rs. 91,41,617/- in order to comply with the provisions of proviso to section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (in short the Act). The amount so deposited by the appellant has been found correct as per the calculations made by the office. So, the provision of proviso to Section 43 (5) of the Act stands complied with subject to just objections by the respondent.

There is delay of 148 days in filing the present appeal. The appellant has moved an application for condonation of delay in filing the present appeal.

The impugned order was passed on 27.01.2021 and was uploaded on 17.03.2021, which falls within the period of lockdown due to COVID-19 outbreak. The case in hand is fully covered by the directions of the Hon'ble Apex Court in Suo Moto Writ Petition (C) No.3 of 2020.

In view of the aforesaid directions given by the Hon'ble Apex Court in aforesaid Suo Moto Writ Petition and the reasons mentioned in the application, the application moved by the appellant for condonation of delay is hereby allowed. The delay in filing the present appeal stands condoned however, subject to just objections by the respondents.

Heard on the main appeal.

Ld. counsel for the appellant contended that the ld. authority has awarded the interest for delayed possession from the due date of possession till the handing over of the possession. He contended that in fact possession was

already offered to the respondent-allottee on 07.06.2017 after obtaining the occupation certificate on 20.03.2017. He contended that this fact has not been taken into consideration by the Id. Authority.

Let notice of the present appeal be issued to the respondent for 03.01.2021 on filing the copies of paper book and registered cover etc. within three days.

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

Inderjeet Mehta  
Member (Judicial)

Anil Kumar Gupta  
Member (Technical)

09.11.2021  
*rajni*