

M/s Enuke Software Pvt. Ltd.
Vs.
Sepset Properties pvt. Ltd.
CM No. 142 of 2024
In Appeal No.53 of 2024

Present: Mr. Manoj Vashishtha, Advocate,
for the appellant.

Pursuant to the order dated 17.07.2024, report
from the Registrar has been received. Same reads as under:-

*“I have perused the report dated 16.07.2024 submitted by Registry and case file of appeal no. 53 of 2024, titled as **M/s Enuke Software Pvt. Ltd. Vs. Sepset Properties Pvt. Ltd.**, carefully. The calculation of pre-deposit dated 01.03.2024 made by Registry is by mistake. In this appeal the appellant company is allottee, so in view of Section 43(5) of the Act, no pre-deposit is required. The other objections pointed out by the Registry have already been removed.*

Submitted please.”

Learned counsel for the appellant submits the facts of the instant appeal and the question of law involved herein are exactly same in Appeal no. 54 of 2024.

Issue notice to the respondent for 18.11.2024.

Notice re: application (CM No. 142 of 2024)
seeking condonation of delay as well.

Process be issued for this purpose.

Following questions arise for consideration:

- (i) Whether the Authority had any power to grant liberty to prefer a fresh application/petition having observed that Execution petition stood disposed of being fully satisfied?
- (ii) Whether the order is self-contradictory?

(iii) Whether in respect of fresh demands, if any, raised by the promoter, a separate complaint is maintainable?

(iv) Whether the complaint is barred by principle of *res judicata*?

At this stage, learned counsel for the appellants submits that it is necessary to implead HREERA, Gurugram as a party in order to enable this Tribunal to completely and effectually to adjudicate upon the issue. In case, such application is filed by the appellants, same be entertained by the Registry.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

24.09.2024
Manoj Rana