

Apex Buildwell Pvt. Ltd.
Vs
Santosh Saroha
CM Nos.1079 and 1080 of 2023
In Appeal No.546 of 2023

Present: Mr. Tushar Sharma, Advocate,
for the appellant.

Learned counsel for the appellant submits that pre-deposit in terms of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 has been made.

Learned counsel for the appellant contends that the unit in question has been cancelled on 15.09.2012 and forfeited the entire amount paid by the allottee to the promoter. Thereafter, the unit was re-allotted to one Mrs. Deepika and Mr. Ravinder Kumar thus creating third party rights. He assails the directions given by the Authority on the plea that the same are erroneous as directions have been given to allot the booked flat bearing No. F-11 to the respondent-allottee after obtaining Occupation Certificate. As per him, keeping in view of the facts and circumstances of the case, issuance of directions of this nature are misconceived.

A query has, however, been put to him whether amount could have been forfeited by the promoter. He submits that this is moot point and he shall make effort to address on this issue as well.

Appeal be registered.

Issue notice for 15.03.2024.

Notice re: condonation of delay as well.

Notice re: stay.

Process be issued for this purpose.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)

05.01.2024
Rajni