

Jubilant Malls Pvt. Ltd.
Vs.
Virender Chhabra
Appeal No. 639 of 2023

Present: Mr. Munish Kumar Garg, Advocate
for the appellant.

Learned counsel for the appellant has challenged the impugned order dated 25.09.2023 passed by the Adjudicating Officer at Gurugram. His main grievance is regarding deletion of part of the impugned order i.e. "Vendors shall be free to sell/lease within the community site as and when decided by the same", which is not in accordance with "Clause 2.5" of the Plot Buyers Agreement dated 26.05.2018, which reads as under:

"2.5 Notwithstanding anything to the contrary mentioned under this agreement, it is clarified and agreed by the Buyer that he shall have ownership rights of the plot area only and no other right shall accrue to the Buyer in any part of the project, shops, Community Building, Club, Parks, Lawns, roads, gardens etc. and the same shall always remain the property of the company and be dealt in a manner the company may deem fit."

It appears that an undertaking was given by the appellant before the Authority below with respect to the challenged part of the order.

A query has, however, been put to him whether appellant is ready to deliver the possession to the respondent-allottee forthwith. His answer is in affirmative. He submits that possession shall be delivered to the allottee within a week from today. However, plea raised by him regarding deletion of aforesaid part of the impugned order shall be kept alive.

Issue notice for 18.12.2023.

Mr. Virender Chhabra, respondent, who is present in Court, accepts notice.

It is made clear that in case appellant-promoter does not adhere to the undertaking given before this Bench today, this Court shall consider initiation of punitive action against the appellant on the next date of hearing.

Learned counsel for the appellant submits that communication in this regard be sent to the respondent-allottee within two days from today.

Needless to observe, however, he shall be at liberty to address arguments on the question of deletion of the aforesaid part of the impugned order.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)

22.11.2023
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