

Ocus Skyscrapers Reality Private Limited
Vs.

Siril John and Anr.

CM Nos. 179 & 299 of 2023

In Appeal No. 65 of 2023

Present: Mr. Yashvir Singh Balhara, Advocate,
for the appellant.

Office report perused.

Appeal be registered.

As per report of the registry, requisite amount as required by proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 has been deposited.

Learned Counsel for the appellant has addressed on merits as well. A query has been put to him as to how the impugned order can be set aside in its entirety as it is on record that while cancelling the unit allotted to the respondents, no amount was refunded to them. It is inter alia contended by counsel for the appellant that delay in payment was on part of the allottees. Thus, interest at the rate of 10.35% per annum could not have been imposed on the appellant. He submits that he shall address on the first query raised by this Tribunal. During the course of arguments, he submits that he may confine his prayer to those pleas which are squarely covered in the ambit of law.

Issue notice for 09.08.2023.

Notice re: condonation of delay (CM No. 179 of 2023) as well.

Process be issued for this purpose.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Inderjeet Mehta
Member (Judicial)

03.07.2023
Manoj Rana