

Samrat Dhawan Vs M/s BPTP Ltd.  
CM Nos.1456 and 1457 of 2023  
In Appeal No.712 of 2023

Present: Ms Preeti Manderna, Advocate,  
for the appellant.

Mr. Hemant Saini, Advocate has put in appearance on behalf of respondent and filed his Memo of Appearance. He submits that he shall file his Power of Attorney along with Board Resolution in the Registry within two weeks from today. He prays for some time to seek instructions and address arguments.

This is an application (CM No.1457/2023) seeking condonation of 17 days delay in filing the appeal. Same is supported by an affidavit of the appellant.

On perusal of the application, this Bench finds that sufficient cause is made out for condoning the delay. Accordingly, the application (CM No.1457/2023) is allowed. Delay of 17 days in filing of the appeal is condoned.

At this stage, learned counsel for the appellant has expressed apprehension that the respondent-promoter may create third party rights regarding the unit in question.

Mr. Saini submits that in the instant appeal the prayer is for refund of the amount remitted by the appellant-allottee to the respondent-promoter. As per him the company is ready to refund the amount of Rs.73,82,677/- by way of cheque, as directed by the Authority, subject to the final outcome of the appeal.

Learned counsel for the appellant submits that the appellant is ready to accept the said amount subject to the same condition.

Parties are at liberty to act in the aforesaid terms.

List the appeal for further hearing on 26.07.2024.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

15.04.2024  
Manoj Rana