Experion Developers Pvt. Ltd.
Vs.
Vivek Radhu and Anr.
Appeal No. 720 of 2022

Present: Shri Kamaljeet Dahiya, Advocate, ld. counsel for the appellant.

Office report perused.

The appeal be registered.

As per the report of the office, the appellant has deposited a total sum of Rs. 66,70,174/- to comply with the provisions of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (in short the Act). The said amount is correct as per calculations made by our office. So, the provision of proviso to Section 43 (5) of the Act stands complied with.

Though there is delay of 17 days in refiling of the present appeal but no formal application in this regard has been filed. Ld. counsel for the appellant has requested for condoning the same.

Keeping in view of the fact that the delay is only for a period of 17 days, so, the same is hereby condoned.

Ld. counsel for the appellant has inter alia contended that the ld. Authority without properly going through the material available on record has wrongly ordered for deduction of 10% of the earnest money, which in fact should have been 15% of the earnest money as per the stipulation made in the Builder Buyers Agreement (BBA) executed between the parties. Further, he has submitted that the ld. Authority has also illegally ordered for calculation of the interest from the date of cancellation of the unit.

Let notice of the present appeal be issued to the respondents for 17.01.2023 on filing the copies of paper book and registered cover etc. within three days.

On the request of Ld. counsel for the appellant, it is mentioned that the appellant has deposited the entire amount which has become payable to the respondents-allottees till the date of filing this appeal with this Tribunal and we hope that this fact shall be taken into consideration in a judicious manner by the Ld. Authority.

Inderjeet Mehta
Member (Judicial)
Haryana Real Estate Appellate Tribunal
Chandigarh

Anil Kumar Gupta
Member (Technical)

07.12.2022
rajni