

Vatika Ltd.
Vs.
Vikas Birla and another
Appeal No.792 of 2022

Present: Ms. Navneet Kaur, Advocate,
for the appellant.

Ms. Priyanjali Singh, Advocate,
for the respondent.

There is an application seeking condonation of delay of 660 days in filing of the appeal. As per learned counsel for the appellant, impugned order was passed on 03.11.2020 by the Authority and was uploaded on the website on 02.12.2020. Thereafter, due to Covid Pandemic, appeal could not be filed in time. She also relied upon the judgment of the Hon'ble Supreme Court in Suo Moto Writ Petition (C) no. 3 of 2020 to contend that limitation was extended in view of the said judgment. According to her, due to financial difficulties, pre-deposit in terms of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 has not been made.

Learned counsel for the respondent has filed reply to oppose the prayer for condonation of delay. She further agrees that the appellant had certain benefits of limitation till June 2022 in view of the judgment of Apex Court. However, the present appeal was filed on 22.11.2022. Thus, there is approximate delay of 175 days in filing the appeal.

It is evident that appeal was filed after issuance of the Show Cause Notice (as is clear from the grounds contained in connected appeal no. 796 of 2022) by the Executing Court at Gurugram. Thus, we feel that the appellant/promoter (M/s Vatika Limited) is liable to pay Rs.10,000/- as costs for condonation of delay. Accordingly, the

application is allowed and we condone the delay in filing the appeal.

Costs be remitted to the respondent/allottees.

Ms. Priyanjali Singh, Advocate prays for some time to seek instructions and address arguments.

List on 07.12.2023.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)

04.10.2023
Manoj Rana