

Pivotal Infrastructure Pvt. Ltd.
Vs.
Meenu Malhotra
Appeal No. 835 of 2022

Present: Mr. Karan Kaushal, Advocate,
for the appellant.

The Registry has put up the appeal of its own after receiving of the copy of order dated 01.06.2023 of Hon'ble High Court.

The appeal was dismissed on 03.03.2023 due to non-compliance of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.

The appellant preferred RERA Appeal No.65 of 2023 before the Hon'ble High Court of Punjab and Haryana. The appeal was disposed of by the Hon'ble High Court vide order June 01, 2023. Relevant part of the order reads as below:-

“9. Accordingly, three weeks time is granted to the appellant to deposit the amount as ordered by the Haryana Real Estate Appellate Tribunal, Chandigarh, subject to payment of costs quantified as Rs.50,000/- in each appeal, payable to the respective respondent. If the amount is deposited within the aforesaid period along with costs, the appeals which have been disposed of by the Tribunal vide order dated 03.03.2023 on account of non-depositing the pre-depositing the pre-deposit amount shall stand revived and the Haryana Real Estate Appellate Tribunal, Chandigarh, shall restore proceed to hear the appeal(s), on merits, in accordance with law. The office of the Tribunal to give the date for appearance to the appellant and for hearing as per its convenience and docket management.

10. Learned counsel for the appellant informs this Court that though the office of the Tribunal would be functioning on working days of the Government of Haryana but the Tribunal would not ordinarily assemble on account of summer break during the month

of June, 2023 and the hearings would resume in the month of July, 2023.

11. In the meanwhile, the demand dated 11.05.2032 (Annexure P-5) be kept in abeyance till the date of consideration by the Tribunal regarding the prays for ad interim stay during the pendency of appeal. Needless to observe, in case the amount is not deposited within the stipulated period or the costs are not pay, the above interim protection shall stand vacated forthwith and the appeal(s) would be deemed to have been dismissed with costs, quantified hereinabove.

12. All the pending miscellaneous applications, if any, are also disposed of.”

This Tribunal has been informed that the pre-deposit was made on 22.06.2023. Learned counsel for the appellant submits that the draft of Rs.50,000/- is available with him and the same has been submitted in the Registry. The original demand draft be returned to the appellant. Photocopy thereof be kept on record. He undertakes to remit the same to the respondent in light of order dated 01.06.2023 passed by the Hon’ble High Court.

Fresh notice be issued to be respondents for 14.08.2023.

Process be issued for this purpose.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Inderjeet Mehta
Member (Judicial)

07.07. 2023
CL