

Emaar India Ltd.
Vs.
Gagan Vij
Appeal No.97 of 2022

Present: Shri Shekhar Verma, Advocate,
Ld. counsel for the appellant.

Office report perused.

Appeal be registered.

As per the report of the office, the appellant has deposited a sum of Rs.26,17,828/- to comply with the provisions of proviso to Section 43(5) of the Real Estate (Regulation & Development) Act, 2016 (for short, 'the Act'). The said amount is complete as per the calculations made by this Tribunal. So, the provisions of proviso to Section 43(5) of the Act stand complied with, however, subject to just objection by the respondent.

There is delay of 81 days in filing of the appeal. No separate application for condonation of delay has been filed, but Ld. counsel for the appellant has orally stated about the delay of 81 days in filing the present appeal.

In view of the direction given by the Hon'ble Apex Court in *Suo Motu (C) No.3 of 2020*, the delay of 81 days in filing the present appeal stands condoned.

Heard on the main appeal.

Ld. counsel for the appellant contended that the Ld. Authority has wrongly computed the period for delay in delivery of possession and the benefit of grace period has also been wrongly declined.

Let notice of the present appeal be issued to the respondents for 20th July, 2022 on filing the copies of the paper-book and registered cover etc. within four 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 respondent-allottee 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.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

05.05.2022
Manoj Rana