



**HARERA**  
**GURUGRAM**

**HARYANA REAL ESTATE REGULATORY AUTHORITY**  
**GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह. सिविल लाईंस गुरुग्राम हरियाणा

### PROCEEDINGS OF THE DAY

Day and Date	Friday and 09.07.2021
Complaint No.	E/47/2020/1214/2018 Case titled as Anirudh badia VS BPTP Limited
Complainant	Anirudh badia
Represented through	Shri Sukhbir Yadav Advocate
Respondent	BPTP Limited
Respondent Represented	Shri Venket Rao Advocate
Last date of hearing	2.7.2021
Proceeding Recorded by	Naresh Kumari and HR Mehta

### Proceedings

It has been brought on record that on account of non-compliance of section 43 (5) of the Real Estate (Regulation and Development) Act 2016 the Appellate Tribunal had dismissed appeal filed by the JD on account of non-depositing the decretal amount. However, the JD has gone in appeal against the orders of Appellate Tribunal before the Hon'ble High Court and vide order dated 29.1.2021 the Hon'ble High Court has stayed the matter for the time being.

Notice too has been issued by the Hon'ble High Court in this context vide order dated 19.4.2021. Since the lis is pending and no pulpable decision can be taken at this juncture. The counsel for the decree holder has brought to the notice of the Authority the provision of Order 41 rule 5 (1) of the CPC which is regarding filing of an appeal from a decree which is produced as under:

***The filing of an appeal from a decree is, by itself, no bar to its execution, and execution may proceed unless it is stayed by an order of the Appellate Court or the Court which passed the decree (vide***

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016  
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अंतर्गत गठित प्राधिकरण  
भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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**Order XLI, Rules 5 and 6).**

As such, the matter with regard to satisfaction of decree is kept in abeyance till final decision of the Hon'ble High Court.

File be consigned to the registry.

  
Samir Kumar  
Member

  
Vijay Kumar Goyal  
Member

  
Dr. KK Khandelwal  
Chairman  
09.07.2021