

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.16379 of 2018 (O&M)

Date of Decision: 20.08.2018

Emaar MGF Land Ltd.

...Petitioner

VS.

State of Haryana & Ors.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Sudip Ahluwalia**

Present: Mr. Aashish Chopra, Advocate for the petitioner

Mr. Sandeep Moudgil, Addl. AG Haryana

SURYA KANT J. (Oral)

(1) One of the petitioner's grievance in the instant writ petition is against the order dated 19.06.2018 (P13) passed by RERA, Haryana vide which its application questioning jurisdiction of respondent No.2 to entertain and adjudicate upon the complaint filed by respondent No.3 has been rejected. Apart from seeking quashing of the complaint itself filed by respondent No.3 against the petitioner, a direction is also sought to establish Appellate Tribunal under Section 43(1) of the Real Estate (Regulation and Development) Act, 2016.

(2) At this stage, it is informed by ld. State counsel that the State of Haryana has now constituted the Appellate Tribunal to hear the appeals as per first *proviso* to Section 43(4) of the Real Estate (Regulation and Development) Act, 2016.

(3) Learned State counsel has produced the order dated 16.08.2018 whereby State Government has designated the 'Tribunal' established under Section 12C of the Punjab Scheduled Roads and Controlled Areas

Restriction of Unregulated Development Act, 1963 to be the 'Appellate

Tribunal’ under the 2016 Act “*until the establishment of the Appellate Tribunal under Section 43 of the RE(R&D) Act, 2016*”.

(4) In view of availability of the alternative remedy, the writ petition is disposed of giving liberty to the petitioner to approach the Appellate Tribunal. It is directed that the learned Appellate Tribunal shall hear the matter on merits. The petitioner as well as respondent No.3 may raise their respective pleas before the learned Appellate Tribunal

(5) Ordered accordingly.

(Surya Kant)
Judge

20.08.2018
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No