

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 2792 of 2019

1. M/s Surya Land Developers, Through Dr. Ashok Khemka, Aged About 67 Years, S/o Late Shri Harikishan Khemka, R/o Shop No.2, Styanarayan Dharamsala, Gudiyaari, Raipur, District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. Rajdhani Vihar, Residents Welfare Society Through The President Mr. Rajendra Kumar Sharma, R/o House No. F-7, C/o Mr. Diwakar Pandey, Rajdhani Vihar, Vidhansabha Road, Saddu, Raipur, District : Raipur, Chhattisgarh
2. Chhattisgarh Real Estate Regulatory, Authority Raipur, Through Its Chairman, District : Raipur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Sabyasachi Bhaduri, Advocate along with Mr. Kishore Bhaduri, Advocate
For Respondent No. 1	:	Mr. Prafull N. Bharat, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20.12.2019

1. Shri Sabyasachi Bhaduri, Advocate appearing for the petitioner submits that the appellate tribunal under the RERA Act has started functioning in the State of Chhattisgarh and, therefore, the present Writ Petitions in their present form may be disposed-off as there is an alternative statutory remedy available to him to challenge the impugned order in the present writ petitions.
2. Given the fact that the appellate tribunal has become functional, the petitioner is permitted to withdraw the present writ petitions with

liberty to approach the Appellate Tribunal for ventilating his grievance. While filing an appeal before the appellate tribunal, the period spent before the High Court in pursuing the present Writ Petition would be considered by the tribunal while considering the application under Section 5 for condonation of delay if there is any delay, keeping in view Section 14 of the Limitation Act.

3. Accordingly, the writ petitions stand dismissed as withdrawn with the aforesaid liberty.

**Sd/-
(P. Sam Koshy)
Judge**