

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 3197 of 2019

1. Vimal Jain, S/o Shri Maniklal Jain, Aged About 67 Years, R/o Choubey Colony, Raipur, District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. Rakesh Kumar Singh, R/o F-05, Seechai Colony, Ring Road, Abmikapur, District : Surguja (Ambikapur), Chhattisgarh
2. Phoenix Infra Estate International Limited, R/o Ishwari Plaza, Near Telibandha Talab, Raipur, Through Its Director Mr. Vijay Gautam, S/o Manikram Gautam, District : Raipur, Chhattisgarh

---- Respondent

WPC No. 3332 of 2019

1. Vimal Jain, S/o Shri Maniklal Jain, Aged About 67 Years, R/o Choubey Colony, Raipur, District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. Shri Jatin Singh, S/o Shri R.K. Singh, R/o F-05, Sichai Colony, District-Surguja, Chhattisgarh
2. Phoenix Infra Estate International Limited, R/o Ishwari Plaza, Near Telibandha, Talab, Raipur Through Its Director Mr. Vijay Gautam, S/o Manikram Gautam, District : Raipur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Sabyasachi Bhaduri, Advocate along with Mr. Kishore Bhaduri, Advocate
For Respondents	:	Mr. Amrito Das, Addl. Adv. General

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 Accordingly, the writ petitions stand dismissed as withdrawn with the aforesaid liberty.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