

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

RERA Appeal No. 30 of 2020 (O& M)

Date of decision: 21.12.2020

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M/s. BPTP Ltd.

....Appellant(s)

Versus

Haryana Real Estate Appellate Tribunal and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Hemant Saini, Advocate,
for the appellant.

Ms. Kushaldeep Kaur, Advocate,
for Mr. Ankur Mittal, Addl. A.G., Haryana,
for respondents no. 1 and 2.

Mr. S.S. Sawney, Advocate,
for respondents no. 3 and 4.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The present appeal is directed against the order dated 18.08.2020 wherein, the application for waiver of pre-deposit was dismissed by the Haryana Real Estate Appellate Tribunal.

Counsel for the appellant has submitted that similar appeals are pending before this Court and were adjourned since the Division Bench of this Court was also seized of the said issues. The said fact was also noticed by the co-ordinate Bench in the present appeal on 06.10.2020. It is now pointed out that CWP No. 37671 of 2019 was dismissed on 16.10.2020 alongwith other cases. SLPs have been filed wherein, the following order had been passed on 25.11.2020:-

“Issue notice.

There would be stay of the operation of the impugned judgment and Order passed by the High Court till the disposal of the matters.

However, we clarify that the Appellate Authority under the Real Estate (Regulation and Development) Act, 2016 would be entitled to take up the appeal for hearing and decision on merits, in case there is no objection from the respondents.”

Counsel for the appellant has resultantly prayed that the matter should be kept pending till the disposal by the Apex Court.

Counsel for respondents no. 3 and 4, on the other hand, has submitted that in view of the interim order of the Apex Court, they are ready to give their no objection, if their appeals are heard without pre-deposit. Counsel further points out that there was a delay in re-filing the appeal, which is also pending consideration before the Appellate Tribunal. Resultantly, he submits that in view of the no objection from the respondents and in view of the order of the Apex Court, directions be issued to the Appellate Tribunal to decide the appeal *inter se* the parties.

Counsel for the petitioner does not and cannot have any objection to such course of action.

Resultantly, the present appeal is disposed of with directions to the Appellate Tribunal under the Real Estate (Regulation & Development) Act, 2016 to decide Appeal No. 321 of 2019 alongwith the application for condonation of delay in re-filing the appeal. It is pointed out that the matter is already listed for 24.12.2020.

21.12.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No