

RERA-APPL Nos. 42 to 63 of 2020 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RERA-APPL-42-2020 (O&M)
Date of Decision: October 27, 2020

1. **M/S BPTP LTD.** Appellant(s)
Versus
HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS
..... Respondent(s)

2. **RERA-APPL-43-2020 (O&M)**
M/S BPTP LTD. AND ANOTHER Appellant(s)
Versus
HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS
..... Respondent(s)

3. **RERA-APPL-44-2020 (O&M)**
M/S BPTP LTD. Appellant(s)
Versus
HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS
..... Respondent(s)

4. **RERA-APPL-45-2020 (O&M)**
M/S BPTP LTD. AND OTHERS Appellant(s)
Versus
HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS
..... Respondent(s)

5. **RERA-APPL-46-2020 (O&M)**
M/S BPTP LTD. AND OTHERS Appellant(s)
Versus
HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS
..... Respondent(s)

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6.

RERA-APPL-47-2020 (O&M)

M/S BPTP LTD. AND OTHERS

Versus

HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS

..... Appellant(s)

..... Respondent(s)
7.

RERA-APPL-48-2020 (O&M)

M/S BPTP LTD. AND OTHERS

Versus

HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS

..... Appellant(s)

..... Respondent(s)
8.

RERA-APPL-49-2020 (O&M)

M/S BPTP LTD.

Versus

HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS

..... Appellant(s)

..... Respondent(s)
9.

RERA-APPL-50-2020 (O&M)

M/S BPTP LTD.

Versus

HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS

..... Appellant(s)

..... Respondent(s)
10.

RERA-APPL-51-2020 (O&M)

M/S BPTP LTD. AND ANOTHER

Versus

HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS

..... Appellant(s)

..... Respondent(s)

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11.

RERA-APPL-52-2020 (O&M)

M/S BPTP LTD.

..... Appellant(s)

Versus

HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS

..... Respondent(s)
12.

RERA-APPL-53-2020 (O&M)

M/S BPTP LTD.

..... Appellant(s)

Versus

HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS

..... Respondent(s)
13.

RERA-APPL-54-2020 (O&M)

M/S BPTP LTD. AND OTHERS

..... Appellant(s)

Versus

HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS

..... Respondent(s)
14.

RERA-APPL-55-2020 (O&M)

M/S BPTP LTD. AND OTHERS

..... Appellant(s)

Versus

HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS

..... Respondent(s)
15.

RERA-APPL-56-2020 (O&M)

M/S BPTP LTD. AND OTHERS

..... Appellant(s)

Versus

HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS

..... Respondent(s)

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16.

RERA-APPL-57-2020 (O&M)

M/S BPTP LTD. Appellant(s)

Versus

HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS

..... Respondent(s)
17.

RERA-APPL-58-2020 (O&M)

M/S BPTP LTD. Appellant(s)

Versus

HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS

..... Respondent(s)
18.

RERA-APPL-59-2020 (O&M)

M/S BPTP LTD. Appellant(s)

Versus

HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS

..... Respondent(s)
19.

RERA-APPL-60-2020 (O&M)

M/S BPTP LTD. AND OTHERS Appellant(s)

Versus

HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS

..... Respondent(s)
20.

RERA-APPL-61-2020 (O&M)

M/S BPTP LTD. AND ANOTHER Appellant(s)

Versus

HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS

..... Respondent(s)

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21. **RERA-APPL-62-2020 (O&M)**

M/S BPTP LTD. AND ANOTHER Appellant(s)

Versus

HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS

..... Respondent(s)

22. **RERA-APPL-63-2020 (O&M)**

M/S BPTP LTD. AND OTHERS Appellant(s)

Versus

HARYANA REAL ESTATE APPELLATE TRIBUNAL AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Hemant Saini, Advocate for the appellant(s).
Mr. Ashish Yadav, Addl. AG., Haryana.

LISA GILL, J.

These appeals are being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This order shall dispose of all the above mentioned twenty two (22) appeals as they involve an identical point for consideration. The facts are being taken from RERA-APPL-42-2020 for the sake of convenience and brevity.

In all these matters, the appellant is aggrieved of the dismissal of its application, for waiver of the pre-deposit in terms of Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (in short 'RERA') by the Haryana Real Estate Appellate Tribunal, Chandigarh, (hereinafter referred to as 'the Tribunal').

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Complaints filed by the various respondents/complainants were disposed of by the Haryana Real Estate Regulatory Authority, vide separate orders in all the matters. The amount in question was directed to be paid by the present appellant. Appeals in all the cases were filed by the appellant(s) before the learned Tribunal and an application for waiver of the pre-deposit in terms of Section 43(5) RERA were filed.

Learned Tribunal while referring to the decisions of the Hon'ble Supreme Court in '***Janta Land Promoters Pvt. Ltd. through its authorized representative Vs. Abhimanyu Singh Vinayak and another***' RERA APPEAL NO.12 OF 2019 (O&M), decided on 05.09.2019, '***M/s Tecnimont Pvt. Ltd. (Formerly known as Tecnimont ICB Private Ltd.) Versus State of Punjab and others***', Civil Appeal No.7358 of 2019, decided on 18.19.2019 and '***Union Bank of India Versus Rajat Infrastructure Pvt. Ltd. and others***', Civil Appeal No. 1902 of 2020 decided on 02.03.2020, found no merit in the applications seeking waiver of the pre-deposit and accordingly dismissed the said applications. An opportunity was however granted to the appellant(s) to comply with Proviso to Section 43(5) of the Act and time was afforded to the appellant(s) to deposit the amount by 07.10.2020.

Aggrieved of the dismissal of the applications for waiver of pre-deposit amount by the appellant, present appeals have been filed.

Learned counsel for the appellant(s) is unable to deny that the matter at hand i.e. the question of waiver of pre-deposit in terms of Proviso to Section 43(5) of the Act stands decided by a Division Bench of this Court in CWP-15205 of 2020, M/s Lotus Realtech Pvt. Ltd. Vs. State of Haryana, decided on 23.09.2020 as well as in CWP-38144-2018, Experion Developers

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Pvt. Ltd. Vs. State of Haryana and others, decided on 16.10.2020. The matter is squarely covered against the appellant.

In this view of the matter, I do not find any ground whatsoever to interfere in this matter. At this stage, it is brought to my notice that the matter before the learned Tribunal now stands adjourned to 18.11.2020. However, learned counsel for the appellant(s) submits that he does not have specific instructions whether an extension till then has been afforded to the appellant(s) to deposit the requisite amount.

Needless to say, in case, the matters stand adjourned to 18.11.2020, the appellant(s) are afforded an opportunity to deposit the amount in question in all the cases before the said date, in terms of proviso to Section 43(5) of RERA.

All the appeals are accordingly dismissed with no order as to costs.

October 27, 2020

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No