

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113/2) Date of Decision: 13.01.2020

1) RERA-Appeal No.55 of 2019

M/s ATS Estates Private Limited ...Appellant
Versus

Sandeep KaurRespondent

2) RERA-Appeal No.56 of 2019

M/s ATS Golf Meadows Lifestyle ...Appellant
Versus

Rahul Khandelwal and another ...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Harsh Banger, Advocate, for the appellant
in both the appeals.

Amol Rattan Singh, J. (Oral)

Upon this Court having put a query to the learned counsel for the appellants as to how, in the face of the existent statutory provisions, i.e. the proviso to Section 43 of the Real Estate (Regulation and Development) Act, 2016, this Court, as a court of appeal, can ignore such provision, he submits that the appellant may be permitted to withdraw these appeals, to avail its remedy to challenge the provision in question itself (by which a pre-deposit has been stipulated before any appeal can be entertained), as also the impugned orders, by way of an appropriate writ petition.

Dismissed as withdrawn, with the aforesaid liberty obviously

always available as a right to any person (to institute a writ petition), which, naturally, would be dealt with wholly on its own merits by the appropriate Bench.

13.01.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE
Whether reasoned/speaking: Yes
Whether reportable: Yes