

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

137

**RERA-APPL-11-2022(O&M)  
Date of Order: 25.05.2022**

**M/s Omaxe Chandigarh Extension Developers Ltd**

**..Appellant**

**Versus**

**Vinod Issar**

**..Respondent**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr.Munish Gupta, Advocate  
for the appellant.

**ANIL KSHETARPAL, J(Oral)**

This appeal has been filed under Section 58 of the Real Estate (Regulation & Development) Act, 2016, challenging the correctness of the order passed by the Appellate Tribunal.

The Appellate Tribunal has noticed that the revised plans referred to by the appellant were sanctioned on 26.03.2015. The apartment buyer agreement with the respondent was entered into on 26.11.2016. The appellant had the knowledge of the revised layout plan.

The learned counsel representing the appellant admitted before the Appellate Tribunal that the area referred to in the apartment buyers agreement was on account of their own mistake.

The dispute is with regard to liability of the apartment buyer to pay the additional amount for the additional area. In the allotment letter, it was stated that the area is tentative and is subject to change. At the cost of repetition, on the day the apartment buyers agreement was executed, the appellant was in the knowledge of the revised layout plan specifying the area. The intended buyer must have been shown the aforesaid sanctioned

plan. Furthermore, the appeal under Section 58 of the Real Estate (Regulation & Development) Act, 2016, is maintainable only on one or more grounds specified in Section 100 of the Code of Civil Procedure, 1908 which provides for the substantial question of law.

Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

May 25, 2022

*nt*

(ANIL KSHETARPAL)  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |