

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

CWP-3310-2022(O&M)

Date of Decision: 22.02.2022

Sh.Manohar Lal Kapur and another

..... Petitioners

versus

**M/s Raheja Developers Private Limited
and others**

..... Respondents

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Shyamal Kumar, Advocate for the petitioners.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed assailing the appellate proceedings before the Haryana Real Estate Appellate Tribunal pursuant to appeal bearing No. 91 of 2021 having been filed at the hands of the private developer herein.

The primary plank of challenge is that there has been a non-compliance of Section 43 (5) of the Real Estate (Regulation & Development) Act, 2016.

Having heard the counsel at length we are not inclined to intervene in the matter at this stage. We take this view as the objection as regards non-compliance of Section 43 (5) of the Act has been taken specifically at the hands of the petitioners herein and the matter is still

pending before the Appellate Authority.

In view of the above, writ petition is disposed of.

It is clarified that we are not opining on the merits of the objection that has been taken on behalf of the petitioners and as has been noticed herein above.

Needless to observe that it would always be open for the petitioners to take legal recourse after passing of the final orders and if so advised.

(TEJINDER SINGH DHINDSA)
JUDGE

(LALIT BATRA)
JUDGE

22.02.2022

sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No