

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

RERA-Appeal 43-2022(O&M)

Date of decision: 24.08.2022

M/s Unitech Limited and another

....Appellants

Versus

Amrinder Kaur

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Abhinav Sood,
Mr. Dhruv
Ms. Anmol Gupta, Advocates for the appellants

ANIL KSHETARPAL, J (Oral)

This appeal has been filed under Section 58 of the Real Estate (Regulation and Development) Act, 2016, while questioning the correctness of the following orders dated 30.05.2022 and 04.08.2022, respectively, passed by the Real Estate Appellate Tribunal, Punjab :-

Order dated 30.05.2022

“Last opportunity is granted to the appellant subject to a payment of Rs.10,000/- as costs, which shall be paid to the respondent.

List on 04.07.2022 for further proceedings.

The order be communicated to the parties.”

Order dated 04.08.2022

“An impression has been created that the appellant M/s Unitech Ltd. is trying to delay the proceedings.

However in the interest of justice the prayer for adjournment is accepted to enable them to produce the record subject to Rs.20,000/- as costs which shall be compensatory to the respondent.

List on 25.08.2022 for further proceedings.”

Heard learned counsel representing the appellants. He contends that in view of the order passed by the Hon'ble Supreme Court on 20.01.2020, there is a complete stay of proceedings against the appellant-Company. He submits that the Tribunal is proceeding with the matter in violation of the orders passed by the Supreme Court.

On reading of the orders, which have been extracted above, it is evident that the attention of the Tribunal was not drawn to the orders passed by the Supreme Court.

The appeal filed by the appellant is pending before the Appellate Tribunal. In such circumstances, the present appeal is disposed of while granting liberty to the appellant to file an application in this regard alongwith the order passed by the Supreme Court. The appellate Tribunal is requested to decide the same before proceeding in the matter.

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

24.08.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE