

In the High Court of Punjab and Haryana, at Chandigarh

1. RERA Appeal No. 13 of 2019 (O&M)
M/s Ansal Housing Limited
... Appellant(s)

Versus

Navneet and Another
... Respondent(s)

2. RERA Appeal No. 14 of 2019 (O&M)
M/s Ansal Housing Limited
... Appellant(s)

Versus

Narender Kumar
... Respondent(s)

3. RERA Appeal No. 15 of 2019 (O&M)
Sana Realtors Pvt. Ltd.
... Appellant(s)

Versus

Gravity Rail Infra and Advisory Pvt. Ltd.
... Respondent(s)

AND

4. RERA Appeal No. 18 of 2019 (O&M)
M/s Ultratech Township Developers Pvt. Ltd.
... Appellant(s)

Versus

Gaurav Pahwa and Another
... Respondent(s)

DATE OF DECISION: 26.04.2022

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Surjeet Bhadu and Mr. Veer Singh, Advocates
for the appellant (In RERA-APPL-13-2019 and
In RERA-APPL-14-2019).

Mr. Shobit Phutela, Advocate
for the appellant (In RERA-APPL-15-2019 and
RERA-APPL-18-2019).

Ms. Varuna Singh, Advocate
for the respondents (In RERA-APPL-13-2019)

Anil Kshetarpal, J.

1. Through this order, a batch of RERA Appeals shall stand disposed of.

2. The learned counsel representing the appellant fairly admits that the point in issue in the present appeal is squarely covered against the appellant in the judgment passed by the Hon'ble Supreme Court in *M/s Newtech Promoters and Developers Pvt. Ltd. vs. State of UP and Ors. Etc. 2021 SCC (online) SC 1044*.

3. In some of the appeals, the Haryana Real Estate Appellate Tribunal, Chandigarh, has rejected the application for exempting the appellant from pre-deposit of the amount awarded by the Haryana Real Estate Regulatory Authority against which various appeals have been preferred, whereas, other appeals have been preferred against the appeals dismissed by the Tribunal, on account of non-deposit of the amount as provided under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.

4. The learned counsel representing the appellant submits that they may be permitted to deposit the amount and thereafter, proceed with the pending or the disposed of appeals.

5. Keeping in view the aforesaid facts and in view of the fair statement made by the learned counsel representing the appellant, the appeals are dismissed in terms of the aforesaid judgment.

6. These appeals shall stand disposed of by granting six weeks' time to the appellants to deposit the amount as ordered by the Haryana Real Estate Appellate Tribunal.

7. If the amount is deposited within the aforesaid period, the appeals which are pending or disposed of on account of not depositing the pre-deposit amount, shall stand revived and the Haryana Real Estate Appellate Tribunal, Chandigarh, shall restore and proceed to hear the appeal, on merits, in accordance with law.

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

(Anil Kshetarpal)
Judge

April 26, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No