

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RERA-APPL-83-2023 (O&M), RERA-APPL-84-
2023 (O&M) and RERA-APPL-88-2023 (O&M)
Date of Decision: August 08, 2023

PIVOTAL INFRASTRUCTURE PVT. LTD.	 Appellant
Versus	
ASHWINI KUMAR KHOSLA	 Respondent
PIVOTAL INFRASTRUCTURE PVT. LTD.	 Appellant
Versus	
PUJA MYNE	 Respondent
PIVOTAL INFRASTRUCTURE PVT. LTD.	 Appellant
Versus	
AMIT VERMA	 Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Karan Kaushal, Advocate for appellant.

HARKESH MANUJA, J. (ORAL)

This order shall dispose of aforementioned appeals wherein common issue has been raised. For the sake of convenience, facts are taken from RERA-APPL-83-2023 titled as “PIVOTAL INFRASTRUCTURE PVT. LTD. Vs. ASHWINI KUMAR KHOSLA”

2. By way of present appeals, challenge has been laid to the order dated 03.03.2023 passed by Haryana Real Estate Appellate Tribunal (hereinafter referred to as ‘Appellate Tribunal’) Chandigarh whereby the appeals have been dismissed for want of non-deposit of the statutory pre-deposit.

3. Learned counsel for the appellant submits that on the date fixed i.e. 03.03.2023, the appellant could not deposit the amount in

**RERA-APPL-83-2023 (O&M), RERA-APPL-84-2023 (O&M) and
RERA-APPL-88-2023 (O&M) -2-**

terms of order dated 15.02.2023 passed by the Ld. Appellate Tribunal for the reasons beyond its control and thus submits that in case, given a chance, the appellant shall deposit the sum as directed. Learned counsel for the appellant also refers to a draft dated 12.07.2023 pertaining to the pre-deposit which was prepared in the name of learned Appellate Tribunal. In support, he even refers to an order dated 01.06.2023 passed by this Court in RERA APPEAL Nos.65 to 67 of 2023 wherein similar benefit was granted in favour of the present appellant under somewhat similar circumstances. Relevant paragraphs thereof are reproduced hereunder for reference:-

9. Accordingly, three weeks time is granted to the appellant to deposit the amount as ordered by the Haryana Real Estate Appellate Tribunal, Chandigarh, subject to payment of costs quantified as Rs.50,000/- in each appeal, payable to the respective respondent. If the amount is deposited within the aforesaid period along with costs, the appeals which have been disposed of by the Tribunal vide order dated 03.03.2023 on account of non-depositing the pre-deposit amount shall stand revived and the Haryana Real Estate Appellate Tribunal, Chandigarh, shall restore and proceed to hear the appeal(s), on merits, in accordance with law. The office of the Tribunal to give the date for appearance to the appellant and for hearing as per its convenience and docket management.

10. Learned counsel for the appellant informs this Court that though the office of the Tribunal would be functioning on working days of the Government of Haryana but the Tribunal would not ordinarily assemble on account of summer break during the month of June, 2023 and the hearings would resume in the month of July, 2023.

11. In the meanwhile, the demand dated 11.05.2023 (Annexure P-5) be kept in abeyance till the date of consideration by the Tribunal regarding the prayer for ad interim stay during the pendency of appeal. Needless to observe, in case the amount is not deposited within the stipulated period or the costs are not paid, the above interim protection shall stand vacated forthwith and the appeal(s) would be deemed to have been dismissed with costs, quantified hereinabove

**RERA-APPL-83-2023 (O&M), RERA-APPL-84-2023 (O&M) and
RERA-APPL-88-2023 (O&M) -3-**

4. Accordingly, applying the principle of parity as well as in order to advance the cause of justice so as to enable the appellant to pursue its remedies effectively, the present appeal is disposed of in terms of judgment dated 01.06.2023 passed by this Court in RERA APPEAL Nos.65 to 67 of 2023 by granting similar benefit to the appellant.

5. Pending applications if any shall also stand disposed of.

08.08.2023
tejwinder

**(HARKESH MANUJA)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>