

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

**CR-5329-2023 (O&M)
DECIDED ON: 14.09.2023**

**SELENE CONSTRUCTIONS LTD AND ANOTHER
.....PETITIONERS**

VERSUS

**ANKUR JAIN AND ANOTHER
.....RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Aashish Chopra, Senior Advocate with
Mr. Ajiteshwar Singh, Advocate and
Mr. Varun Aryan Sharma, Advocate
for the petitioners.

SANJAY VASHISTH, J (ORAL)

1. Counsel for the petitioners points out that in view of Section 43 of Real Estate (Regulation and Development) Act, 2016, petitioners herein wish to withdraw the present petition with a purpose to file an appeal to the Real Estate Appellate Authority against the impugned order dated 07.08.2023 (Annexure P-20) passed by the Adjudicating Officer.

However, the only serious apprehension to the petitioners is that once, the appeal is filed before the Appellate Tribunal, as a matter of practice same may be neither listed nor heard for a long time and in this regard, he refers his pleadings in paragraph No.50 of the petition, which is reproduced here under:-

“Even otherwise, and without prejudice to the foregoing, it is submitted that, even if it could be said that an alternative remedy exists, the same is voided/obviated by the fact that a message, which had been circulated in bar association has of HREAT (Haryana Real Estate Appellate Tribunal, At Chandigarh) listing on August 21, 2023, stating that “From

now on, the cause list of fresh cases will be prepared a week in advance and which will be uploaded on the web portal.”

2. Thus, by pointing out the said apprehension, learned counsel for the petitioners seeks permission for withdrawal of the present petition with liberty to avail appropriate remedy before the Appellate Tribunal.

3. Considering the submissions and the apprehensions expressed by the petitioners before this Court, present petition is allowed to be withdrawn and in case, petitioners file appeal before the Appellate Tribunal within ten days from today along with application for interim stay, such application would be adjudicated within two weeks thereafter by the Appellate Tribunal, in accordance with law.

4. If any such appeal is filed within stipulated time of two weeks, till the time application for interim stay with memo of appeal is taken up for its hearing, the process for attachment of the properties in pursuance to recovery certificate dated 08.05.2023 would be kept in abeyance.

5. Petition is allowed to be withdrawn to enable the petitioners to file appeal before the Appellate Tribunal, as indicated here above.

With the aforementioned terms, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

14.09.2023

Lavisha

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