

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

CM-1573-C-2024 in/and
RERA-APPL-10-2024 (O&M)
Date of Decision: 15.02.2024

M/S ALPHA CORP. DEVELOPMENT PRIVATE LIMITED

.....Appellant

Versus

MANGE RAM SANGWAN AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Alok Jain, Advocate,
 for the applicant-appellant.

RAJBIR SEHRAWAT, J. (ORAL)

CM-1573-C-2024

This is an application for condonation of delay of 05 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed and the delay in filing the appeal is condoned.

Main Appeal

1. This is an appeal filed under Section 58 of the Real Estate (Regulations and Development) Act, 2016 (for short, the Act) against the order dated 11.10.2023 (Annexure A-7), 30.10.2023 (Annexure A-8) culminating into order dated 04.12.2023 (Annexure A-9) passed by the Real Estate Appellate Tribunal, Haryana in Appeal No.H-REAT-304-2023, whereby appeal filed by the appellant has been dismissed for non-deposit of statutory amounts.

2. Keeping in view the facts and circumstances of the case, it would not be appropriate for this Court to delve into the aspects whether the appellant was amenable to the jurisdiction of the authorities under the Real

Estate (Regulations and Development) Act, 2016 or not due to the reason that the appellant had completed the project or phase of the project before enforcement of the Act. That aspect deserves to be considered by the Real Estate Appellate Tribunal, Haryana (for short, the Tribunal). However for that, the appellant would be required to deposit the amount as per the provisions of the Act.

3. Therefore, the present appeal is disposed of with liberty to the appellant to get his appeal revived by making necessary statutory payments pre-requisite for filing of the appeal.

4. The appellant asserts that the necessary application had already been filed. Therefore, the Tribunal concerned is directed to take up the said application for revival immediately on deposit of the statutory amount.

5. Needless to say that if the appellant succeeds in appeal before the Tribunal, then he would be entitled to get the money back; and mere deposit of the above said amount by the appellant will not be taken as a consent to unquestionably submit to the jurisdiction of the Tribunal.

6. The pending miscellaneous applications are also disposed of as such.

15.02.2024
sandeep

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No