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

RERA-APPL-79-2023 (O&M)
Date of decision: 22.05.2025

Rohit Kumar Kaushik

...Appellant

Versus

Pivotal Infrastructure Pvt. Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sachin Mittal, Advocate and
Mr. Akshat Mittal, Advocate and
Mr. Arnav Mittal, Advocate and
Ms. Stuti S. Mittal, Advocate for the appellant.

Mr. Karan Kaushal, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

CM-7861-C-2023

1. This is an application filed under Section 5 of the Limitation Act read with provision of Section 58 of the RERA Act, for condonation of delay of 502 days in filing the present appeal.

2. For the reasons stated in the application which is duly supported by an affidavit and in view of no objection from learned counsel for the respondent, the present application is allowed and delay of 502 days in filing the present appeal is condoned.

Main case

1. Challenge in the present appeal is to the order dated 22.12.2021 vide which statutory appeal filed by the present appellant had been dismissed in default.



2. Learned counsel for the appellant has submitted that a close relative of the appellant was suffering from multiple tumors including brain tumor and cancer, who ultimately expired on 22.12.2021 which was the date when the matter was listed before the Court and it is for the said reason that the appellant could not appear before the Court. It is prayed that the appeal filed by the appellant be heard and decided on merits and in case the same is not done, then great prejudice would be caused to the appellant.

3. Learned counsel for the respondent has fairly submitted that they have no objection in case the impugned order dated 22.12.2021 is set aside and the appeal No.66 of 2021 is ordered to be heard on merits. It is further submitted that the appeal bearing No.89 of 2021 filed by the respondent against the same impugned order is listed before the Appellate Tribunal on 04.07.2025.

4. Keeping in view the abovesaid facts and circumstances, the present appeal is disposed of and impugned order dated 22.12.2021 is set aside and the Appellate Tribunal is directed to decide the Appeal No.66 of 2021 filed by the present appellant along with Appeal No.89 of 2021 filed by the respondent on merits, in accordance with law.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

22.05.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No