



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

109

RERA-APPL-76-2026 (O&M)

Date of decision: 01.05.2026

M/s Sunrays Heights Pvt. Ltd.

...Appellant

Versus

Devendra Yadav and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ankur Mittal, Sr. Advocate with
Mr. Siddhanth Arora, Advocate and
Ms. Kushaldeep Kaur, Advocate and
Mr. Sakal Sikri, Advocate for the appellant.

Mr. Sukhbir Singh Goyat, Advocate for the respondents.

VIKAS BAHL, J. (ORAL)

CM-5758-C-2026

1. This is an application filed under Section 5 of the Limitation Act read with Section 151 of CPC for condonation of delay of 66 days in filing the appeal.

2. For the reasons stated in the application which is duly supported by an affidavit, the present application is allowed and delay of 66 days in filing the present appeal is condoned.

Main case

1. Challenge in the present appeal is to the order dated 16.12.2025 vide which the appeal filed by the appellant has been dismissed on the ground of non-deposit of the entire amount as required under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter to be referred as “the Act of 2016”) and as calculated by the Registry.

2. On 28.04.2026, this Court had passed the following order:-

*“Present: Mr. Ankur Mittal, Senior Advocate with
Ms. Kushaldeep Kaur, Advocate and*



Mr.Siddhanth Arora, Advocate for the appellant.

Inter alia contends that as per the impugned order, the total amount of Rs.10,92,569/- was to be deposited as pre-deposit under Section 43(5) of the Haryana Real Estate (Regulation and Development) Act, 2016 and as per the registry, an amount of Rs.7,88,954/- was deficit. It is submitted that the said amount has also been deposited and thus, has prayed that the appeal be heard on merits.

Notice in the application for condonation of delay as well as in the main appeal for 01.05.2026.

To be shown in the urgent list.

On a pointed query raised by this Court, learned senior counsel for the appellant has submitted that for the inconvenience caused to the respondents, he is ready to pay an amount of Rs.10,000/- to the respondents as litigation expenses.

Liberty is granted to the appellant to serve the respondents through their counsel in the Executing Court as well as through dasti summons.

April 28, 2026”

3. Learned Senior Counsel for the appellant has handed over a demand draft amounting to Rs.10,000/- to learned counsel for the respondents today in the Court which fact has been reaffirmed by learned counsel for the respondents.

4. Learned counsel for the respondents has submitted that the appellant has also filed review application and in the said case, the appellant has sought adjournment which is now listed for 01.05.2026. It is further submitted that in case the impugned order is to be set aside and present appeal is to be allowed and the matter is to be remanded back then the said order should not be construed as an expression of opinion on the merits of the case



and the respondents be granted liberty to raise all the pleas to oppose the application for stay as well as the main appeal.

5. Learned Senior Counsel for the appellant has submitted that they would withdraw the review application filed and has further submitted that similar matters are listed on 11.05.2026.

6. During the course of arguments, a fair stand has been taken on behalf of the appellant as well as on behalf of the respondents and in view of the same, the present appeal is partly allowed and the impugned order dated 16.12.2025 is set aside with the following observations/directions:-

- i) In case the entire amount of Rs.10,92,569/- has been deposited by the appellant which as per the Registry was to be deposited under Section 43(5) of the Act of 2016 and which as per the stand of the appellant, has already been deposited, then, the Appellate Tribunal is requested to decide the application for stay as well as the main appeal on merits after hearing all the parties concerned.
- ii) Passing of the present order should not be construed as an expression of opinion on the merits of the case and it would be open to all the parties concerned to raise all the pleas on merits of the application for stay, as well as main appeal and the Appellate Tribunal is requested to decide the same independently, in accordance with law.

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

01.05.2026

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No