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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1.

RERA-APPL-77-2026 (O&M)
Date of decision: 01.05.2026
- M/s Sunrays Heights Pvt. Ltd.
- ...Appellant
- Versus
- Mohinder Kumar
- ...Respondent
2.
- RERA-APPL-78-2026 (O&M)
Date of decision: 01.05.2026

M/s Sunrays Heights Pvt. Ltd.

...Appellant

Versus

Sonia Prasad

...Respondent

3.

RERA-APPL-79-2026 (O&M)
Date of decision: 01.05.2026

M/s Sunrays Heights Pvt. Ltd.

...Appellant

Versus

Anil Kumar Yadav and another

...Respondents

4.

RERA-APPL-80-2026 (O&M)
Date of decision: 01.05.2026

M/s Sunrays Heights Pvt. Ltd.

...Appellant

RERA-APPL Nos.77 to 83, 85, 86,
88 to 90 of 2026 (O&M)

[2]

2026:PHHC:067438



Versus

Swadesh Kumar Dwivedi

...Respondent

5.

RERA-APPL-81-2026 (O&M)
Date of decision: 01.05.2026

M/s Sunrays Heights Pvt. Ltd.

...Appellant

Versus

Kartikeya Kumar Das

...Respondent

6.

RERA-APPL-82-2026 (O&M)
Date of decision: 01.05.2026

M/s Sunrays Heights Pvt. Ltd.

...Appellant

Versus

Ekta Kumar

...Respondent

7.

RERA-APPL-83-2026 (O&M)
Date of decision: 01.05.2026

M/s Sunrays Heights Pvt. Ltd.

...Appellant

Versus

Jaykrishan Yadav

...Respondent

8.

RERA-APPL-85-2026 (O&M)
Date of decision: 01.05.2026

M/s Sunrays Heights Pvt. Ltd.

RERA-APPL Nos.77 to 83, 85, 86,
88 to 90 of 2026 (O&M)

[3]

2026:PHHC:067438



...Appellant

Versus

Nishant Kumar Singh

...Respondent

9.

RERA-APPL-86-2026 (O&M)
Date of decision: 01.05.2026

M/s Sunrays Heights Pvt. Ltd.

...Appellant

Versus

Ashish Agarwal

...Respondent

10.

RERA-APPL-88-2026 (O&M)
Date of decision: 01.05.2026

M/s Sunrays Heights Pvt. Ltd.

...Appellant

Versus

Amit Kumar Anand

...Respondent

11.

RERA-APPL-89-2026 (O&M)
Date of decision: 01.05.2026

M/s Sunrays Heights Pvt. Ltd.

...Appellant

Versus

Neetu Shekhawat

...Respondent

12.

RERA-APPL-90-2026 (O&M)
Date of decision: 01.05.2026



M/s Sunrays Heights Pvt. Ltd.

...Appellant

Versus

Ashish Yadav

...Respondent

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.
(In all appeals)

Ms. Diya Sareen, Advocate for
Mr. Shubhnit Hans, Advocate for the respondents
(In RERA-APPL Nos.77 and 78 of 2026)

Mr. Shailendra Singh, Advocate and
(Through Video Conferencing)
Ms. Meenakshi Malik, Advocate for the respondent
(In RERA-APPL Nos.79 to 83, 85, 86, 88 to 90 of 2026)

VIKAS BAHL, J. (ORAL)

CM-5774-C-2026 in RERA-APPL-77-2026

1. This is an application filed under Section 5 of the Limitation Act read with Section 151 of CPC for condonation of delay of 42 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 42 days in filing the present appeal is condoned.

Main cases

1. The present order would dispose of twelve appeals bearing



RERA-APPL Nos.77 to 83, 85, 86, 88 to 90 of 2026. All the appeals involve common questions of law and facts and are thus being taken up together. On joint request of all the counsel, RERA-APPL-77-2026 is taken up as the lead case.

2. Challenge in the appeal is to the order passed by the Appellate Tribunal vide which the appeal filed by the present appellant was dismissed solely on the point that complete amount of the pre-deposit as required under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter to be referred as “the Act of 2016”) had not been deposited.

3. On 28.04.2026, this Court had passed the following order in RERA-APPL Nos.77 and 78 of 2026:-

*“Present: Mr.Ankur Mittal, Senior Advocate with
Ms.Kushaldeep Kaur, Advocate and
Mr.Siddhanth Arora, Advocate for the applicant.*

Inter alia contends that the present appellant is ready to pay pre-deposit as quantified by the Registry of the Appellate Tribunal.

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

To be taken up 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 respondent, he is ready to pay an amount of Rs.10,000/- to the respondent as litigation expenses.

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



A photocopy of this order be placed on the file of the connected case.

April 28, 2026”

4. Similar orders were passed in other appeals also.
5. Learned Senior Counsel for the appellant has submitted that in pursuance of the abovesaid order passed, appellant has brought 12 demand drafts amounting to Rs.10,000/- each as litigation expenses in each of the cases and the said demand drafts have been handed over to learned counsel for the respondents, which fact has been reaffirmed by learned counsel for the respondents. It is submitted that the impugned orders be set aside and the Appellate Tribunal be requested to decide the appeals along with application for condonation of delay and also application for stay afresh, in accordance with law.
6. Learned counsel for the respondents have submitted that setting aside of the impugned orders and remanding of the case should not be construed as an expression of opinion on the merits of the application for condonation of delay, application for stay as well as the main appeals and respondents be granted liberty to raise all the pleas as are available to them to oppose the application for condonation of delay, application for stay as well as the main appeals, in accordance with law.
7. Learned Senior Counsel for the appellant has submitted that they would deposit the amount which is deficit as per the report of the Registry on or before 08.05.2026.
8. During the course of arguments, a fair stand has been taken on behalf of the appellant as well as respondents and in view of the same, the



present appeals are partly allowed and the impugned orders dated 03.12.2025 passed in all the appeals are set aside with the following observations/directions:-

- i) The appellant as undertaken before this Court would deposit the balance amount which has to be deposited, as per the report of the Registry, to comply with the provision of Section 43(5) of the Act of 2016, on or before 08.05.2026.
- ii) In case condition No.(i) is complied with by the appellant, then, all the parties are directed to appear through their counsel before the Appellate Tribunal on 11.05.2026.
- iii) The Appellate Tribunal is requested to decide the application for condonation of delay, application for stay as well as the main appeals on merits. It would be open to all the parties concerned to raise all the pleas with respect to application for condonation of delay, application for stay as well as main appeals in accordance with law and the present order should not be construed as an expression of opinion on the merits of the case.

9. 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