



RERA-APPL-97-2026 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(150)

RERA-APPL-97-2026 (O&M)

Date of decision: - 29.05.2026

Aarcity Builders Pvt. Ltd.

....Petitioner

Versus

Surender Kumar

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rajat Khanna, Advocate,  
Mr. Vijay Pratap Singh, Advocate, and  
Mr. Rajeev, Advocate, for the appellant.

Mr. Anurag Jain, Advocate,  
Ms. Namisha Kapoor, Advocate, and  
Mr. Aamol Singh, Advocate, for the respondent.

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**VIKAS BAHL, J. (ORAL)**

1. Challenge in the present appeal is to the order dated 16.04.2026 vide which the Appellate Tribunal had dismissed the appeal of the present appellant on the ground that there was deficit of an amount of Rs.20,73,619/- with respect to proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter to be referred as 'Act of 2016').

2. On 15.05.2026, this Court was pleased to pass the following order:

*“Present: Mr. Rajat Khanna, Advocate,  
Mr. Vijay Pratap Singh, Advocate and*



*Mr. Vishal Saini, Advocate for the appellant.*

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*Learned counsel for the appellant has submitted that in the present case, as per the order dated 23.01.2025 passed by the Regulatory Authority, under condition No.(iii), the complainant was liable to pay balance consideration amount to the present appellant. It is submitted that as per the case of the appellant, the outstanding amount towards the complainant is ₹22,93,120/- and the amount which the appellant is required to pay to the respondent as per the order is ₹33,52,078/- and thus has submitted that he is not required to deposit any amount as the right of the complainant has been protected. It is however fairly submitted that in case the complainant points out that any amount due as per his calculation, the appellant would deposit the same. It is submitted that in the said circumstances, since the rights of the complainant are protected, thus, the Appellate Tribunal be requested to decide the appeal on merits. It is further submitted that for the inconvenience caused to the respondent, the appellant is ready to pay litigation expenses of ₹33,000/- also.*

*Notice of motion for 27.05.2026.*

*Liberty is also granted to the appellant to serve the respondent though dasti process as well as through counsel appearing before the Executing Court.*

*Appellant would bring an amount of ₹33,000/- as litigation expenses for the respondent on the next date of hearing.*

*To be taken up immediately after the urgent list.”*

3. Learned counsel for the appellant in compliance to the order dated 15.05.2026 has given a demand draft of an amount of Rs.33,000/- as litigation expenses to the respondent.
4. Learned counsel appearing for the respondent, on the other hand, has submitted that as per their calculation, the appellant is required to deposit a total amount of Rs.3,47,143/-, out of which, nothing has been



deposited and thus, an amount of Rs.3,47,143/-is required to be deposited so as to meet the requirements of provision to Section 43(5) of the Act of 2016. It is submitted that it is only in case the said amount is deposited that the rights of the respondent would be protected.

5.            Learned counsel for the appellant has submitted that although the appellant is disputing the said fact but since the appellant wish that the case be heard on merits, thus, it would deposit the said amount as stated by learned counsel for the respondent within a period of six weeks from today.

6.            During the course of hearing, a very fair stand has been taken on behalf of the appellant as well as the respondent and in view of the above-said fair stand and also the fact that by virtue of the said fair stand the rights of the allottee are reasonably protected, the present appeal is disposed of with the following observations/directions: -

- (i)    The impugned order dated 16.04.2026 is set aside subject to the present appellant depositing an amount of Rs.3,47,143/- within a period of six weeks from today.
- (ii)   The deposit of the said amount would not be treated as an estoppel against either of the two parties to state as to what is the final amount due in pursuance of the impugned order.
- (iii)   In case the said amount is deposited by the appellant within the aforesaid period, then, the same would be considered to be sufficient compliance of the provision of Section 43(5) of the Act of 2016 in the peculiar facts and circumstances of the



present case and the Appellate Tribunal is requested to decide the main appeal on merits.

- (iv) It is made clear that this Court has not opined on the merits of the dispute and it would be open to both the parties to raise all pleas which are available to them before the Appellate Tribunal in accordance with law.

**May 29, 2026**  
*naresh.k*

**( VIKAS BAHL )**  
**JUDGE**

|                            |        |
|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |