



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. RERA-APPL-110-2023(O&M)

Dhoot Infrastructure Projects Limited ... Appellant

Versus

Anuj Mehra and others ... Respondents

2. RERA-APPL-111-2023(O&M)

Dhoot Infrastructure Projects Limited ... Appellant

Versus

Anuj Mehra and others ... Respondents

3. RERA-APPL-112-2023(O&M)

Dhoot Infrastructure Projects Limited ... Appellant

Versus

Anuj Mehra and others ... Respondents

Date of decision : 08.05.2026

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Kunal Dawar, Senior Advocate with
Mr.Shruti Mandhotra, Advocate
for the appellant.

Mr.Sanjiv Bahl, Advocate
for the respondents (through V.C.).

VIKAS BAHL, J.(ORAL)

1. The present order would dispose of three appeals i.e., RERA-
APPL-110-2023, RERA-APPL-111-2023 and RERA-APPL-112-2023 as



common questions of law and fact are involved in all the said three appeals.

2. With the consent of the learned senior counsel for the appellant and the learned counsel for the respondents, RERA-APPL-110-2023 is being taken up as the lead case and the facts are noticed from the said case.

3. Learned senior counsel for the appellant has submitted that in the present case, the Authority, Gurugram, while deciding the matters, in addition to the directions given to the present appellant for compliance, had also directed the complainants to make payment of due installments towards consideration of the allotted unit along with interest. It is submitted that it is the case of the appellant that the amount which the complainants are required to pay to the appellant is much more than the amount which the appellant is required to pay to the complainants in pursuance of the order passed by the authority. It is submitted that in view of the above, it was the case of the appellant that no pre-deposit was required to be made under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016. It is further submitted that however, the appeal filed before the Appellate Tribunal was dismissed vide order dated 21.08.2023 on the ground of non-deposit and the said order has been challenged by filing the present appeal, in which the Co-ordinate Bench of this Court vide order dated 11.10.2023 had passed the following order:-

“Present: Mr. Kunal Dawar, Advocate for appellant.

Learned counsel for the appellant inter alia submits that in

terms of directions issued by the authority at Page-37 of the paperbook,



the amount payable by respondents is around three times the amount to be paid by the appellant and thus the same was required to be adjusted. Accordingly, nothing was payable at the instance of appellant. He further submits that there was no non-compliance of Section 43(5) of The Real Estate (Regulation and Development) Act, 2016 and appeal could not have been rejected on this count.

Notice of motion for 05.04.2024.

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

11.10.2023”

4. It is argued that during the pendency of the present appeal, certain subsequent facts emerged which have been detailed in CM-1866-C-2024. Learned senior counsel for the appellant has referred to Annexure A-8 along with CM-12314-C-2024 to highlight the fact that it was agreed that as on 15.01.2024, allottee-decree holder was liable to pay approximately Rs. 26 lacs along with interest after the adjustment of the amount of DPC. It is submitted that since the complainants were pursuing their rights for taking possession and the appellant was wanting the first appeal to be decided on merits at the first instance, thus, during the said process, warrants of arrest was issued against the Directors of the appellant company, which order was also challenged by the appellant in the first appeal before the Appellate Tribunal and vide order dated 01.10.2024, the Appellate Tribunal was pleased to issue notice and also notice regarding stay. Further reference has been made to the order dated 19.11.2024 passed by the Tribunal in the said appeal which clearly shows that an amount of Rs.17,78,327.05/- has been



deposited by the appellant as pre-deposit for the purpose of the said appeal. It is submitted that in the said circumstances, it is apparent that the interest of the complainants is substantially protected and thus, it is prayed that the impugned order be set aside and the Appellate Tribunal be requested to decide the main appeal on merits.

5. Learned counsel for the respondents-complainants has submitted that the complainants had also given cheques during the course of execution proceedings so that the entire payment is made to the appellant and the complainants can get the possession. It is submitted that the said cheques were not accepted. It is submitted that the complainants have no objection in case the appeal is heard on merits without the pre-deposit. It is however prayed that the Appellate Tribunal be requested to decide the case in a time bound manner.

6. Keeping in view the above said facts and circumstances and the fair stand taken by learned senior counsel for the appellant as well as learned counsel for the respondents and also since in the present set of cases, the interest of the complainants is already protected, thus, the present appeals are disposed of and the impugned orders dated 21.08.2023 passed by the Appellate Tribunal are set aside and the Appellate Tribunal is requested to decide the appeals filed before the Appellate Tribunal afresh, on merits, as expeditiously as possible. Parties through their counsel are directed to appear before the Appellate Tribunal on 14.05.2026.

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7. It is stated before this Court that the counsel for both the parties would be prepared to argue the main appeal on the said date or any other date as may be fixed by the Appellate Tribunal.

(VIKAS BAHL)
JUDGE

May 08, 2026.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No