2026:PHHC:012001

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

***

RERA-APPL-202-2025

Date of decision : 27.01.2026

Aashish Sardana and another

... Appellants

Versus

M/s Vatika Ltd.

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Appellant no.1 in person.

Mr.Venket Rao, Advocate and
Ms.Ankita, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

1. Challenge in the present appeal is to the order dated 01.09.2025 vide which the Appellate Tribunal has observed that there is deficit of amount of Rs.6,73,313/- for complying with the proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.

2. On 10.11.2025 after hearing appellant no.1 in person, this Court was pleased to pass the following order:-

> "*Present: Appellant No.1 in person.*
>
> *Inter alia contends that the present appellants are aggrieved of the order dated 01.09.2025 to a limited extent. It is submitted that although an amount of ₹1,01,93,073/- has been received by the present appellants but the amount of ₹5,11,227/- was never received by*

the appellants. It is submitted that the observations by the Appellate Tribunal to the said effect and the reliance placed upon the order dated 14.08.2024 is erroneous inasmuch as the order dated 14.08.2024 (Annexure A-6) was apparently a wrong order passed in some other case and the said fact is prima facie clear from the order dated 06.05.2025 (Annexure A-15). It is further submitted that even the total amount of pre-deposit, which is mentioned as ₹1,13,77,613/- is not in consonance with the calculations dated 19.04.2024 (Annexure A-3) made by the Accounts Officer. It is submitted that thus, the deficient amount cannot be stated to be ₹6,73,313/-.

Notice in the appeal to the respondent for 19.11.2025.

Notice regarding stay also.

To be taken up immediately after the urgent matters.

Liberty is granted to the appellants to serve the respondent through their counsel before the Appellate Tribunal.

November 10th, 2025"

3. Appellant no.1 has reiterated his arguments as were raised on 10.11.2025.

4. Learned counsel for the respondent has submitted that the calculation dated 19.04.2024 is the basis for passing the order dated 23.04.2024 which order is the subject matter of appeal before the Appellate Tribunal. It is submitted that admittedly, an amount of Rs.1,01,93,073/- has been paid to the appellant and a further amount of Rs.6,73,313/- has also been deposited in pursuance of the order dated 01.09.2025. It is further submitted that an amount of Rs.4,55,044/- on account of TDS has been deposited. It is fairly submitted that benefit of Rs.5,11,227/- has been wrongly given to the respondent and the respondent is ready to deposit the said amount of Rs.5,11,227/- within a period of two weeks from today and

has further stated that the appeal before the Appellate Tribunal be ordered to be heard on merits and all the other remaining issues be considered by the Appellate Tribunal. It is submitted that it is the case of the respondent that the calculations carried out on 19.04.2024 are not in accordance with law.

5. Appellant no.1 appearing in person has submitted that even in case the respondent deposits an amount of Rs.5,11,227/-, still a substantial amount would remain payable to appellant no.1 in accordance with the directions issued by the Executing Court. It is submitted that the calculation dated 19.04.2024 and the order passed by the Executing Court is in accordance with law and deserves to be upheld. It is further submitted that the appellants be granted liberty to raise all pleas before the Appellate Tribunal to show that the order passed by the Executing Court is in accordance with law and the order dated 01.09.2025 should not be construed as an estoppel or res judicata against appellant no.1 to raise all pleas to show that the amount due from the respondent no.1 is more than what has been stated in the order dated 01.09.2025.

6. During the course of arguments, a very fair stand has been taken on behalf of the appellants as well as on behalf of the respondent and in view of the same and on account of consensus, the present appeal is disposed of with the following directions / observations:-

i) The respondent, as undertaken before this Court, would deposit an amount of Rs.5,11,227/- within a period of two weeks from today.

ii) Upon the respondent depositing the said amount, the appeal filed by the respondent before the Appellate Tribunal would be heard on merits.

iii) It would be open to both the parties to raise all pleas in support of their case including the plea that the amount which is stated to be deficit as per the order dated 01.09.2025 is not the correct figure. The order dated 01.09.2025 would not come in the way of either of the two parties to raise the said plea and the same would neither be construed as an estoppel nor as res judicata while finally adjudicating the appeal.

7. It is made clear that this Court has not opined on the merits of the respective contentions of both the parties and the Appellate Tribunal would decide the same independently after hearing both the parties concerned.

(VIKAS BAHL)
JUDGE

January 27, 2026.
Davinder Kumar

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