

ALM Infrotech City Pvt. Ltd.
V/s
ILD Land Owner Welfare Association

Appeal No. 599 of 2022

Present: Shri Yashvir Singh Balhara, Advocate,
for the appellant.

Shri Shiva Kapoor, Advocate,
for the respondent.

Shri Shiva Kapoor, Advocate has filed 'Power of Attorney' on behalf of the respondent.

The present appeal has arisen from order dated 01.08.2022, wherein certain directions have been issued by the Id. Authority below.

As regards, the affairs of the promoter's company and the maintenance aspects relating to the project in question, it appears that the order dated 27.07.2022 was passed, wherein, certain interim directions were given. The matter, however, remained pending before the Authority and Order dated 01.08.2022 has been passed which contains certain directions purely within the scope of the Auditor.

Learned counsel for the appellant agreed that the report pursuant to orders dated 27.07.2022 and 01.08.2022 are not as yet available.

According to him, the proceedings pursuant to the aforesaid orders are still pending. No illegality in the impugned orders has been pointed out. Only grievance of the appellant is that he has not been given opportunity of being heard. As, the inquiry before the Auditor has not culminated, we do not intend to interfere at this stage. We, dispose of the matter with a direction to the authority below to decide the matter at the earliest, in any case, not later than two months.

We make it clear, before passing the final order an opportunity of hearing shall be afforded to both the parties. The parties shall be at liberty to raise all legal and factual issues which shall be dealt with.

In view of the above, no further adjudication of the matter is necessary. Appeal is hereby disposed of.

Justice Rajan Gupta (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

14.02.2023
Manoj Rana