

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

Appeal No. 514 of 2022

Date of Decision: 28.03.2023

M/s BPTP Limited, Registered Office at OT-14, 3rd Floor, Next Door, Parklands Sector-76, Faridabad, Haryana.

Appellant

Versus

1. Mr. Manish Sheokand

2. Ms. Kavita Kataria

Both Residents of House No.792, Sector-9,
Gurugram, Haryana-122001, India.

Respondents

CORAM:

**Justice Rajan Gupta
Shri Inderjeet Mehta
Shri Anil Kumar Gupta**

**Chairman
Member (Judicial)
Member (Technical)**

Present: Shri Hemant Saini, Advocate,
for the appellant.

Shri Pawan Singh Gehlot, Advocate,
for the respondents.

ORDER:

RAJAN GUPTA, CHAIRMAN:

The present appeal is directed against the order dated 20.04.2022 passed by the Adjudicating Officer, Haryana Real Estate Regulatory Authority, Gurugram in Execution Application No.E/893/2020/519/2019. The order reads as under: -

*“It is submitted by learned counsel for JD
that his client has already offered possession of*

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allotted unit to DH. On the contrary, as per DH, he is ready to take possession but the JD is asking for some payments in the name of maintenance charges, which is not acceptable to him.

Even if the JD has any amount due against DH, in the form of maintenance, same has separate remedy in that regard. JD is liable to hand over possession of unit in question unconditionally.

JD has offered a sum of Rs.1,15,692/- by cheque which is not acceptable to DH.”

2. At the outset, Mr.Hemant Saini, learned counsel for the appellant submits that the Adjudicating Officer has committed an error in observing that JD is liable to handover the possession of the unit in question unconditionally. According to him, Adjudicating Officer has to confine himself to the direction given in the order dated 03.09.2019 passed by the Haryana Real Estate Regulatory Authority, Gurugram (for short ‘the Authority’) in Complaint No.519 of 2019.

3. We find substance in the plea of Mr. Saini and thus propose to remit the matter to the same authority for a decision afresh.

4. A query has been put to Mr. Pawan Singh Gehlot, learned counsel for the respondents. He submits that he has no objection if the case is remanded to the Adjudicating Officer.

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5. We have given due consideration to the submissions made by learned counsel for the parties.
6. In view of the above, we deem it fit to set aside the impugned order dated 20.04.2022 passed by the Adjudicating Officer and remand the matter to the Adjudicating Officer for decision afresh after affording opportunity of being heard to both the parties.
7. The appeal stands disposed of in view of the aforesaid observations.
8. The parties shall remain present before the Adjudicating Officer, Haryana Real Estate Regulatory Authority, Gurugram, on 12.04.2023.
9. Copy of this order be sent to the parties/learned counsel for the parties and the Haryana Real Estate Regulatory Authority, Gurugram.
10. File be consigned to the record.

Justice Rajan Gupta
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

28.03.2023

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