

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

**Appeal No. 296 of 2023
Date of Decision: 17.08.2023**

Vikas Bhutani, R/o Aveneue-54, FF, Sector 81, Faridabad,
Haryana-121004.

Appellant

Versus

M/s BPTP Ltd. OT-14, 3rd Floor, Next Door, Parklands, Sector-
76, Fariadbad, Haryana-121004.

Respondent

CORAM:

Justice Rajan Gupta	Chairman
Shri Anil Kumar Gupta,	Member (Technical)

Present: Mr. Jaganath Bhandari, Advocate,
for the appellant.

ORDER:

RAJAN GUPTA, CHAIRMAN (Oral):

Learned counsel for the appellant has challenged
the order dated 28.03.223 passed by the Authority. Operative part
thereof reads as under:

“Order

*Case received by transfer from Hon’ble Authority
vide order dated 17.02.2023.*

*2. Ld. Counsel for judgment debtor has referred
to application dated 08.03.2023 filed in registry on
10.03.2023 whereby re-opening the matter qua
issue of calculations pertaining to receivables and
payables decided vide order dated 25.01.2023 has
been sought. He has requested that one opportunity
be given to him to explain the calculation of
receivables and payable already filed by him by
some technical person form the respondent
company. His request is accepted.*

3. *case is adjourned to 29.03.2023.*

*Dr. Sarita Gupta
Adjudicating Officer”*

2. Primary contention of learned counsel for appellant is that Act does not envisage that the Adjudicating Officer can re-open the matter with regard to calculation, the matter having already been decided by the Authority. Calculation has to be strictly as per the decree of the Authority. Admittedly, the case is still pending before the Adjudicating Officer. We, thus, feel that the appeal is premature.

3. Faced with this situation, learned counsel for the appellant submits that he may be allowed to withdraw the present appeal with liberty to raise all the pleas before the Adjudicating Officer.

4. Dismissed as withdrawn with liberty aforesaid.

5. Needless to observe that appellant shall be at liberty to raise all the pleas before the Adjudicating Officer, who will dispose of application (Annexure A-5) to which reference has been made, at the earliest, in any case, not later than two weeks.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)

17.08.2023

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