

**BEFORE THE HARYANA REAL ESTATE
APPELLATE TRIBUNAL**

Appeal No.807 of 2022 (O&M)
Date of Decision: 19.07.2023

Punjab and Sind Bank, having registered office at 21,
Rajendra Place, New Delhi 2nd address SAM, Vertical, 21
Bank House, Rajendra Place, New Delhi 110 008

Appellant

Versus

1. Haryana Real Estate Regulatory Authority, Mini Secretariat 2nd and 3rd Floor, Sector 1, Panchkula;
2. M/s GLM Infratech Pvt. Ltd. having registered office at Amazon, the Defence Country, Sector 30, Panchkula Haryana 134 118;
3. GLM Buyers Welfare Association, having registered office at House no.882, Sector 25, Panchkula Haryana

Respondents

CORAM:

Shri Justice Rajan Gupta
Shri Inderjeet Mehta
Shri Anil Kumar Gupta

Chairman
Member (Judicial)
Member (Technical)

Present: Mr. Arpit Chawla, Advocate,
for the appellant.

None for respondent no.1,

Respondent no.2 ex parte.

Ms. Rupali Shekhar Verma, Advocate,
for respondent no.2.

ORDER:**Rajan Gupta, Chairman (Oral):**

The present appeal is directed against the order dated 30.06.2023 passed by the Authority below. The only apprehension of the bank is that in view of observation made by the Authority in para 11, the property may be deemed to be free from liability and encumbrances. According to learned counsel for the parties, the property is already mortgaged with the bank.

2. Learned counsel for the respondent, however, submits that Para 11 itself clarifies that all liabilities and encumbrances will remain responsibility of the respondent-Company.

3. Para no.11 is reproduced hereunder for ready reference:

“11. It is hereby clarified that the project has been handed over to Association free from liabilities and encumbrances. All liabilities and encumbrances upon the project which were there before the date of handing over i.e., date of passing of this order, will remain responsibility of respondent-company. In other words, loans raised from financial institution if any, dues payable to State Government, if any, other liabilities towards suppliers, contractors, financiers, all general public if any, shall continue to be liability of respondent-company and Association will have no responsibility for discharging those liabilities. All surplus assets of the project which may remain after completion of the project and after handing over of apartments to the allottees shall go back into the ownership of respondent-company.”

4. A perusal of the aforesaid para, it becomes clear that the authority below has already clarified that all liabilities and encumbrances, loan raised from the financial institution, dues

payable to state government and other liabilities to continue to be the responsibility of the respondent company.

5. The apprehension of the bank is thus misplaced. A clarification to this extent be read in para 11 of the impugned order.

6. Appeal is hereby disposed of.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

19.07.2023
Manoj Rana