

**BEFORE THE HARYANA REAL ESTATE APPELLATE  
TRIBUNAL**

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**Appeal No. 628 of 2023 (O&M)  
Date of Decision: 18.01.2024**

Apex Buildwell Private Limited, Regd. Office at 14A/36 W.E.A.  
Karol Bagh New Delhi-110005.

Appellant

Versus

1. Ashish Dangwal
2. Kanika Kala

Both the residents of Apartment No. 225, 2<sup>nd</sup> Floor,  
Tower "Rose" Our Homes, Sector 37C, Gurugram, Haryana.

Respondents

**CORAM:**

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

**Present:** Mr. Yashvir Singh Balhara, Advocate,  
for the appellant.

**ORDER:**

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

Learned counsel for the parties have addressed at  
some length.

2. It is evident from the impugned order passed by  
the Authority that it has only decided the application on the  
question of maintainability of the complaint. Appellant-  
promoter had filed an application before the Authority seeking  
rejection of the complaint on the ground that no proceedings  
can continue after execution of the conveyance deed. Learned  
Authority has dismissed the application by relying upon the  
judgment of **Wing Commander Arifur Rahman Khan and Ors.**

**Vs DLF Southern Homes Pvt. Ltd. 2020 SCC ONLINE 667 (SC).**

Admittedly, proceedings are still pending before the Authority.

3. We, thus, expect that a composite order should have been passed by the Authority on all issues.

4. We put a query in this regard to Mr. Balhara.

5. Mr. Balhara submits that he may be allowed to withdraw the instant appeal with liberty to raise all the pleas before the Authority. He, however, submits that Authority may be directed to expedite the proceedings pending before it. We accept this prayer. The authority shall endeavour to decide the matter as expeditiously as possible.

6. The present appeal is dismissed as withdrawn with the aforesaid liberty.

7. Copy of this order be communicated to the parties/counsel for the parties and Haryana Real Estate Regulatory Authority, Gurugram.

8. File be consigned to the records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta  
Member (Technical)

18.01.2024  
Manoj Rana