

M/s Alpha Corp. Development Pvt. Ltd. Vs. Vibha Gandhi
Appeal No. 648 of 2019

Present: Shri Harsh Bangar, Advocate, Ld counsel for the appellant.

Certified copy of the order dated 06.08.2019 has been placed on record.

2. Heard.

3. Ld counsel for the appellant pleaded that the project of the appellant/promoter does not fall in the definition of the ongoing project. The appellant/promoter has already moved an application before the Ld Authority for the dismissal of the complaint on this ground. But the said application is still lying pending and the Ld Authority has proceeded to adjudicate the complaint on merits.

4. He further contended that as the project of the appellant/promoter was not ongoing project, so there was no need for any registration and proceedings under section 59 of the Haryana Real Estate (Regulation and Development) Act, 2016, could not have been initiated.

5. Ld counsel for the appellant has pleaded that the present appeal may be disposed of by issuing the necessary directions to the Ld Authority to decide the application moved by the appellant for dismissal of the complaint before proceeding further and to consider the pleas ought to be raised by the appellant in reply to the show-cause notice.

6. In view of the aforesaid submissions we do not feel any necessity to issue the notice to the respondent as the present appeal can be disposed of without wasting any time by giving the suitable directions to the Ld Authority and liberty to the appellant.

7. So, the present appeal is hereby disposed of with a direction to the Ld Authority to first decide the application moved by the appellant for dismissal of the complaint before adjudicating the complaint moved by the respondent on merits. Secondly, the appellant/promoter shall be at liberty to raise all issues in reply to the show-cause notice issued in the proceedings under section 59 of the Act. We hope that all the pleas raised by the appellant shall be considered judiciously by the Ld Authority.

8. The present appeal stands disposed of accordingly.

9. File be consigned to record.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh
17.10.2019

Inderjeet Mehta
Member (Judicial)
17.10.2019

Anil Kumar Gupta
Member (Technical)
17.10.2019