

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 640 of 2023
Date of Decision: 29.07.2024

Jubilant Malls Pvt. Ltd. Registered office at B-418, New Friends Colony, New Delhi-110025.

Appellant/Promoter

Versus

1. Savita;
2. Rakhi Dahiya

Both are residents of Flat No. D-1102, Heritage Max, Sector-102, Gurugram, Haryana-122005.

Respondents/allottees

CORAM:

Justice Rajan Gupta Chairman

Present: Ms. Bhawna Thakur, Advocate
for the appellant.

Mr. Mukul Gupta Advocate
for the respondent.

ORDER:

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against the order dated 25.09.2023 preferred by the appellant (Jubilant Malls Pvt. Ltd.). Admittedly, in the said order a direction was given to the promoter to hand over possession to the respondent-allottees; thereafter execute the conveyance deed in their favour.

2. During the pendency of this appeal, possession has been handed over to the respondent-allottees. In view of this development, order dated 18.12.2023 was passed by this Bench. Same reads as under:

“At the outset, learned counsel for the appellant submits that possession of the plot has been handed over to the respondents (Savita & Rakhi Dahiya) on

28.11.2023 pursuant to the undertaking given before this Tribunal on the last date of hearing.

Mr. Narender Kumar, Authorised Representative of the respondent-allotees, who is present in Court, does not controvert the aforesaid statement. He has produced a 'Certificate of Possession' which shows that physical possession of the plot has actually been handed over to the respondent-allotees. Document is taken on record. Mr. Kumar, however submits that basic amenities such as water supply, electricity power backup, sewerage etc. are not available in the project where plot in question has been allotted.

Arguing counsel for the appellant is stated to be in personal difficulty.

On request of Mr. Mehra, the case is adjourned to 21.03.2024 for further hearing. ”

3. Today, learned counsel for the respondents submits that execution petition preferred by the allottees and certain proceedings initiated by local RWA are pending before the competent Courts below. He further submits that he shall pursue his execution petition. RWA would also pursue the complaint preferred by it before the Authority.

4. In view of above, learned counsel for the appellant submits that she may be allowed to withdraw the present appeal with liberty to raise all the pleas before the Executing Court before which the proceedings are still pending.

5. In these circumstances, present appeal is dismissed as withdrawn with the aforesaid liberty.

6. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

29.07.2024
Manoj Rana