Date of Decision: 28.10.2024 Appeal No.372 of 2024

M/s Mapsko Builders Pvt. Ltd. Regd. Office at 6th Floor, No. 1 Golf Course Road, Sector 56, Gurugram 122011..

...Appellant

Versus

1. Anil Kumar, resident of H. No. MG-76, Mapsko Garden Estate, Setor-27, Sonipat.

2. Jai Krishna Hitech Infrastructure Pvt. Ltd. regd. office at A-26 Friends Colony West New Delhi-110065.

...Respondents

Coram:	Justice Rajan Gupta	Chairman
	Shri Rakesh Manocha	Member (Technical)

Present: Ms. Sandhya Gaur, Advocate for the appellant.

<u>ORDER</u>

JUSTICE RAJAN GUPTA, CHAIRMAN

Present appeal is directed against order dated 22.04.2024 passed by the Authority¹ whereby Directors of both companies namely M/s Mapsko Builders Pvt. Ltd. (appellant herein) and Jai Krishan Hitech infrastructure Pvt. Ltd. (Respondent No.2 herein) were asked to appear in person and then to deposit certain costs. As per counsel, the entire controversy pertains to constructions of 24 meter wide road that would provide access to the project. Stand of the appellant is that the matter is under consideration. As per her, as the Directors of the appellant-company failed to appear on a particular date and costs of Rs.10,000/- was imposed on them.

¹ Haryana Real Estate Regulatory Authority, Gurugram

2. Ms. Gaur submits that the matter is pending before the Authority. Appellant would be satisfied if the issues are decided on merits and personal appearance of the Directors is exempted as they are being represented by their counsel.

3. This Bench does not feel any necessity of interference at this stage as the matter is still pending before the Authority. It is at liberty to proceed further with the same and decide on merits. However, it may seek personal appearance of the Directors, if necessary, for reasons to be recorded.

4. Learned counsel for the appellant submits that she may be allowed to withdraw this appeal. A direction, however, may be issued to the Authority to expedite the proceedings.

5. Appeal is dismissed as withdrawn.

6. The Authority may endeavour to decide the matter expeditiously.

7. The amount of Rs.3,000/- deposited by the appellant/promoter with this Tribunal as pre-deposit in terms of proviso to Section 43(5) of the RERA Act², along with interest accrued thereon be remitted to the learned Authority for disbursement to the appellant/promoter, subject to tax liability, if any, according to law.

8. File be consigned to the records.

Justice Rajan Gupta Chairman Haryana Real Estate Appellate Tribunal

> Rakesh Manocha Member (Technical)

28.10.2024 Manoj Rana

² Real Estate (Regulation and Development) Act, 2016