

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

**Appeal No.591 of 2024 (O&M)
Date of Decision: January 21st, 2025**

Alpha Corp Development Pvt. Ltd., registered at #602, 6th
Floor, Tower J, World Trade Centre, Ring Road, Nauroji
Nagar, New Delhi 110029

..Appellant

Versus

Ashish Kumar Narang son of Shri Raj Kumar Narang, resident of
H.No.1052, Alpha International City, Sector 29, Karnal 132001.

...Respondent

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

Present: Mr. Alok Jain, Advocate,
for the appellant.

Mr. Gagan Sethee, Advocate,
for the respondent.

:O R D E R:

RAJAN GUPTA, CHAIRMAN (ORAL)

Present appeal is directed against order dated
30.07.2024 passed by the Authority¹ at Panchkula. Operative part
thereof reads as under:

*4. Last opportunity is granted to the respondent No.1 to
file reply with an advance copy supplied to the
complainants. Complainants are at liberty to file
rejoinder, if any, within next two weeks and supply
advance copy to opposite party. Needless to mention,
stay granted by the Authority vide order dated
16.01.2024 shall continue.*

*5. Case is adjourned to **15.10.2024.**"*

2. Challenge to the aforesaid order was made on the
ground that the issue whether project in question was within the
purview of RERA was not adjudicated upon before giving the
aforesaid directions.

¹ Haryana Real Estate Regulatory Authority, Panchkula

3. Notice of the appeal was issued and respondent appeared.

4. On 18.12.2024, learned counsel pointed out that an order had been passed by the Authority with regard to the jurisdiction.

5. Stand of Mr. Jain is that the order has been passed post-haste without waiting of the outcome of the instant appeal. He further submits that he did not get an opportunity to address arguments before the Authority, before order dated 15.10.2024 was passed.

6. In view of above, he submits that he has right to impugn the order in light of the provision of Section 43(5) of the RERA Act². He, thus, may be permitted to withdraw the instant appeal with liberty to impugn this order by way of a separate appeal.

7. Appeal is dismissed as withdrawn with aforesaid liberty.

8. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)

21.01.2025
Manoj Rana

² Real Estate (Regulation and Development) Act, 2016