

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

**Appeal No.592 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

Sham Sunder son of Shri Mohan Lal, resident of H.No.465-B, Near
Tulsi Tailor, Sadar Bazar, Karnal 132001.

...Respondent

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

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

Mr. Akshat Mittal, Advocate along with
Mr. Anoop Verma, 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. On perusal of file, it has been observed that complainant has not submitted proper receipts in the present case. Complainant is directed to submit on affidavit payments and date of payments in a tabular form along with proper proof of payments before the next date of hearing with an advance copy supplied to the opposite party. Further, last opportunity is granted to the respondent to file reply subject to payment of cost of 15,000/- payable to the Authority and ₹7,000/- payable to the complainants 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

¹ Haryana Real Estate Regulatory Authority, Panchkula

mention, order of status quo with respect to complainant's unit 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.

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. A copy of the order was taken on record.

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