



# HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

BEFORE THE ADJUDICATING OFFICER

Complaint No. 1206 of 2019

Vijay Kumar

....COMPLAINANT(S)

VERSUS

Haryana Shahari Vikas Pradhikaran

....RESPONDENT(S)

**Date of hearing:-** 13.08.2020 (7<sup>th</sup> hearing)

**Present:-** Mr. Vijay Kumar, Complainant in person (through video conferencing)  
Mr. Sikander Bakshi, Counsel for respondent (through whatsapp video call)

## ORDER:-

1. On the last date of hearing the matter was adjourned after taking into consideration the request of respondent's counsel that the limitation period for filing of appeal stands extended due to pandemic COVID-19.
2. Today, ld. counsel for respondent states that a counsel has already been engaged by the respondent for filing appeal against order dated 12.02.2020 passed by Hon'ble Real Estate Appellate Tribunal, Chandigarh vide which Appeal no. 1318/2019 has been ordered to be dismissed with a direction that amount deposited by appellant Haryana Shahari Vikas Pradhikaran (HSVP) with the Tribunal in order to comply with proviso to section 43(5) of the Act be remitted to the Adjudicating Officer, Panchkula being the executing court for

disbursement of said amount to respondent/allottee as per law after expiry of period of 60 days as limitation for filing the appeal.

3. Complainant states that sufficient time has already been granted to respondent as it is more than 6 months from the date of passing of order of Hon'ble Real Estate Appellate Tribunal, Chandigarh. Further he states that the calculation of amount submitted as pre-deposit by respondent has already been placed on record which is ₹ 34,71,661/-.

4. As per office record, the amount of ₹ 34,71,661/- has already been received from Hon'ble Real Estate Appellate Tribunal, Chandigarh vide reference letter dated 04.08.2020.

5. After hearing both parties, it has been observed that there was ample opportunity with respondent to file the appeal against the order dated 12.02.2020 passed by Hon'ble Real Estate Appellate Tribunal, Chandigarh. Moreover, mere engaging of a counsel for filing appeal is not a ground to deprive the complainant of his right to get the already granted compensation. No stay orders have been produced by counsel for respondent passed by any Higher court vide which execution has been ordered to be stayed. In view of prevailing circumstances where respondent is not having any stay order against the relevant order dated 12.02.2020 it is observed that amount of ₹ 34,71,661/- (thirty four lakhs seventy one thousand six hundred and sixty one) only be released by the office in favor of complainant in the account specified/ detail supplied by complainant vide his e-mail today i.e. dated 13.08.2020. At this stage ld. counsel for respondent has

prayed that amount be released to the complainant against security/surety. This request of counsel for respondent is not acceded to as no appeal/writ petition is pending against the order dated 12.02.2020 passed by Hon'ble Real Estate Appellate Tribunal, Chandigarh. With these directions, the present execution stands disposed of.

*Sarita Gupta*  
Dr. Sarita Gupta  
[Adjudicating Officer]

