

M/s Omaxe Ltd. & anr.
V/s.
Rahul Juneja & anr.
Appeal No. 319 of 2020

Present: Sh. Manish Gupta, Advocate, ld. counsel for the appellant.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

Office report perused.

The appeal be registered.

After arguing for some time as this Tribunal was not inclined to accept the contentions raised by the ld. counsel for the appellant to assail the impugned orders. In the alternative, ld. counsel for the appellant contended that in the impugned order dated 20.02.2020 vide which the Ld. Authority has appointed the Local Commissioner to measure the Super Area as directed to report keeping in view of the principle laid down by the Authority in Compliant no. 607/2018-Vivek Kadyan vs TDI Infrastructure Pvt. Ltd. and Complaint No. 22/2019-Parmeet Singh vs TDI Infrastructure Pvt. Ltd..He contended that in those cases, the question of super area was decided keeping in view of the Buyers Agreement of those very cases. It cannot be applicable to the case in hand.

We have duly considered this plea. Even after receiving the report of the Local Commissioner, the appellant/promoter will have a chance to file the objections to the said report wherein it can raise the aforesaid pleas.

Thus, the present appeal is hereby disposed of with the observations that as and when the report of Local Commissioner is filed before the ld. Authority. Ld. Authority will provide an opportunity to the appellant/promoter to file the objections thereof and the objections, if any, filed by the appellant shall be considered in a judicious manner.

The appeal stands disposed of accordingly.

Justice Darshan Singh (Retd.)
Chairman
Haryana Real Estate Appellate Tribunal,
Chandigarh

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

28.10.2020
rajni

