

Omaxe India Pvt. Ltd.  
Vs.  
Sandeep Goyal & Anr.  
Appeal No.438 of 2020

Present: Shri Munish 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.

Appeal be registered.

At the very outset, Ld. counsel for the appellant contended that in addition to other issues, the appellant is substantially aggrieved on two accounts. Firstly, that the Ld. Authority has wrongly ordered the appellant to pay interest to the respondents-allottees for the period w.e.f. 17<sup>th</sup> May, 2007 to 24<sup>th</sup> September, 2012 and 24<sup>th</sup> September, 2015 to 13<sup>th</sup> February, 2018, secondly, the Ld. Authority has appointed the Local Commissioner to inspect the penthouse allotted to the respondents-allottees at the very short notice. He contended that some finishing touches were yet to be given which are generally given at the time of handing over the actual possession to the allottee. He contended that the fresh Local Commissioner should be appointed to inspect the spot after giving reasonable time to the appellant.

We have duly considered the aforesaid contentions raised by the Ld. counsel for the appellant. The matter regarding payment of interest is yet under consideration of the Authority as the parties have been directed to file the calculation of the amount. So, the Ld. Authority is yet in the process of determining the actual amount to be paid by the appellant-promoter to the respondents-allottees on account of delay in delivery of possession. Thus, in our opinion, the appeal on this account is premature. The appellant will

be at liberty to file the appeal after the issue regarding payment of interest is finally determined by the Ld. Authority.

As far as the grievance regarding appointment of the Local Commissioner is concerned, it has been informed that the Local Commissioner has already inspected the spot and has submitted his report. If the appellant is having any grievance against the said report, the appellant can very-well file objections to the said report before the Ld. Authority and can also make request to the Ld. Authority for re-visit of the Local Commissioner.

We hope that if these pleas are raised by the appellant before the Ld. Authority, those will be considered by the Ld. Authority in a judicious manner and will be disposed of by passing the speaking order.

The appellant-promoter shall also be at liberty to raise all the pleas available to it before the Ld. Authority at the appropriate stage.

The present appeal stands disposed of accordingly.

Copy of this order be communicated to Ld. counsel for the appellant and the Haryana Real Estate Regulatory Authority, Panchkula for information and compliance.

File be consigned to the record.

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

Inderjeet Mehta  
Member (Judicial)

Anil Kumar Gupta  
Member (Technical)

15.01.2021  
Gaurav