



119

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. RERA-APPL-21-2025 (O&M)
Date of decision: 27.03.2025

M/s Everrich Buildcon Pvt. Ltd. ...Appellant

Versus

Babreek Sharma and others ...Respondents

2. RERA-APPL-22-2025 (O&M)
Date of decision: 27.03.2025

M/s Everrich Buildcon Pvt. Ltd. ...Appellant

Versus

Babreek Sharma and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Promila Nain, Advocate and
Mr. Abhishek Rawal, Advocate for the appellant.

VIKAS BAHL, J. (ORAL)

1. By this common order, two appeals i.e. RERA-APPL-21-2025 and RERA-APPL-22-2025 shall stand disposed of.

2. Learned counsel for the appellant has argued that two orders with respect to the same property have been passed in favour of the same respondent and the appellant is not required to deposit the amount under Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter to be referred as "the 2016 Act") with respect to both the orders and has submitted that in the second case i.e. RERA-APPL-22-2025, an application for exemption was also filed.

3. A perusal of the paper book would show that the first order which is subject matter of challenge in RERA-APPL-21-2025, has been passed by the



Adjudicating Officer vide which compensation and litigation expenses have been awarded to the respondents. In para 1 of the said order, it had specifically been noted that in pursuance of the judgment of the Hon'ble Supreme Court in *Civil Appeal No.6745-6749 of 2021 titled as "M/s Newtech Promoters and Developers Pvt. Ltd. Vs. State of UP and others etc."*, the prayer of the respondents with respect to compensation was segregated from the prayer of refund and interest and in the second case i.e., RERA-APPL-22-2025, the Real Estate Regulatory Authority, Punjab, vide order dated 18.01.2024, had ordered refund of the amount along with interest. It is thus, apparent that the said two orders are separate orders passed with respect to separate prayers, in accordance with the law laid down by the Hon'ble Supreme Court. Further perusal of the impugned orders in both the cases would show that several opportunities were sought by the appellant for compliance of provision of Section 43(5) of the 2016 Act. However, zimni orders prior to the passing of impugned orders have not been annexed. Nothing has been shown to this Court that application for exemption which is stated to have been filed in the second case (i.e., RERA-APPL-22-2025) was actually filed or pressed or was in the abovesaid facts even maintainable.

4. Learned counsel for the appellant has submitted that in view of the above, both the appeals be disposed of at this stage but liberty be granted to the appellant to revive the case after studying all the aspects and after getting necessary instructions and also after placing on record all the zimni orders.

5. In view of the above, both the appeals are disposed of at this stage with liberty aforesaid.

27.03.2025

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No