



RERA-APPL-18-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(124)

RERA-APPL-18-2025

Date of decision:- 22.05.2025

Mudra Finance Limited and another

....Appellants

Versus

Vipul Gardens, Residents Welfare Association

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Gaurav Chopra, Senior Advocate, with
Mr. Vineet Sehgal, Advocate
for the appellants.

Mr. Sunil Kumar Dhanda, Advocate, for the respondent.

VIKAS BAHL, J. (ORAL)

1. Challenge in the present appeal is to the order dated 01.08.2022 passed by the Haryana Real Estate Appellate Tribunal (for short, "the Appellate Tribunal"), vide which the appeal filed by the promoter had been dismissed on account of non-compliance of the mandatory provisions of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.

2. On 11.03.2025, this Court was pleased to pass the following order: -

"Present: Mr. Gaurav Chopra, Sr. Advocate with



*Mr. Vineet Sehgal, Advocate
for the appellants.*

Learned Senior counsel for the appellants has submitted that the appellants have already deposited an amount of Rs.1.75 crores in pursuance of the order dated 06.07.2023 (Annexure A-11) passed by the Division Bench of this Court. It is further submitted that the appellants are ready to pay the balance amount of Rs.2.8 crores so as to make the total deposit as required by the impugned order dated 01.08.2022, as to comply with the proviso to Section 43(5) of the Real Estate (Regulation and Development), Act, 2016.

Notice in the application for condonation of delay as well as in the main case for 22.04.2025.

To be listed in the urgent list.

Liberty is granted to the appellants to serve the respondent through dasti process as well as through the counsel appearing before the Executing Court.

11.03.2025”

3. On 22.04.2025, the following order was passed by this Court:-

*“Present: Mr.Vineet Sehgal, Advocate
for the appellants.
Mr.Sunil Kumar Dhanda, Advocate
for the respondent.*

Learned counsel appearing for the respondent has submitted that the amount of Rs.2.89 crores has not been deposited by the appellants as per his instructions.

Learned counsel for the appellants has submitted that the balance amount of Rs.2.89 crores would be deposited by the appellants before the RERA-Appellate Authority within a period of 4 weeks from today.

Adjourned to 22.05.2025.

To be shown in the urgent list.

Learned counsel for the appellants would produce document on the next date of hearing to show that they have deposited the said



amount.

April 22, 2025”

4. Learned senior counsel for the appellants has submitted that an amount of Rs.1.75 crore, which was deposited by the appellants in pursuance of the order dated 06.07.2023 (Annexure A-11) alongwith accrued interest has been released to the respondent-complainant, vide order dated 02.12.2024 passed by the adjudicating officer. It is further submitted that the appellant has already deposited the balance amount of Rs.2.89 crores before the Appellate Tribunal and in pursuance of the same, has handed over a copy of the draft dated 16.05.2025 which is taken on record and has been marked as “Mark A”. It is prayed that in view of the same, the impugned order be set aside and the Appellate Tribunal be directed to hear the appeal on merits. It is submitted that in the present case, there is a delay in filing the appeal, inasmuch as, the appellants had initially filed a writ petition and were pursuing the said remedy.

5. Learned counsel for the respondent has submitted that as per his instructions, the amount has been deposited and the appeal be heard on merits. It is further submitted that liberty be granted to the respondent to raise all pleas on merits to oppose the said appeal.

6. Keeping in view the above-said facts and circumstances, the application bearing CM-2787-C-2025 is allowed and the delay of 871 days in filing the accompanying appeal is condoned and also the



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impugned order dated 01.08.2022 is set aside and the Appellate Tribunal is directed to decide the appeal on merits, as expeditiously as possible.

7. The parties through their counsel would appear before the Appellate Tribunal on 11.07.2025.

May 22, 2025

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**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No