



**RERA-APPL-77-2024 (O&M) -1-**

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

**(107)**

**RERA-APPL-77-2024 (O&M)**

**Date of decision:- 18.02.2025**

**Forever Buildtech Private Limited**

**....Appellant**

**Versus**

**Selvaraj Damiyon Raju and another**

**.....Respondents**

**CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Kunal Dawar, Advocate, and  
Ms. Anisha Mitra, Advocate,  
for the appellant.

Mr. Rishab Jain, Advocate (Through VC), and  
Mr. Anmol Jindal, Advocate  
for the respondents.

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**VIKAS BAHL, J. (ORAL)**

**CM-10430-C-2024**

1. This is an application filed under Section 5 of the Limitation Act read with Section 151 CPC for condonation of delay of 172 days in filing the accompanying appeal.

2. For the reasons stated in the application, which is duly supported by an affidavit, the same is allowed and the delay of 172 days in filing the appeal is condoned.

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1. Challenge in the present appeal is to the order dated

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06.02.2024 passed by the Haryana Real Estate Appellate Tribunal.

2. On 04.02.2025, this Court was pleased to pass the following order: -

*Present: Mr. Kunal Dawar, Advocate and  
Mr. Rohit Rana, Advocate  
for the applicant-appellant.*

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*Present application has been filed under Order 41 Rule 19 CPC read with Section 151 CPC for restoration of the main appeal which has been dismissed for non-prosecution vide order dated 22.01.2025.*

*For the reasons mentioned in the application, which is duly supported by an affidavit, same is allowed. The order dated 22.01.2025 is hereby recalled and the main case is restored to its original number and is taken up on Board today itself.*

***Main Case***

*Inter alia contends that the present appellant is ready to comply with the order dated 06.02.2024 passed by the Haryana Real Estate Appellate Tribunal and has filed the present appeal only on two limited aspects. The first limited aspect on which the appeal has been filed is to the effect that the exemplary cost of Rs.2 lakh which has been imposed. In the said regard, it is submitted by the counsel for the applicant-appellant that against the order passed by the Authority, it is the respondent who had filed the appeal and the present appellant had not filed the appeal and thus, the exemplary cost should not be imposed upon the present appellant. It is further submitted that the present appellant would also pay the penalty @ Rs.500/- per day but the same be restricted to the date of filing of the present appeal. It is further submitted that the respondents have also instituted a claim for compensation before the adjudicating Court.*

*Notice in the application for condonation of delay as well as in the main appeal for 18.02.2025.*

*The appellant would bring two demand drafts in the name of respondent Nos.1 and 2 in equal proportion, of the amount calculated*

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*in accordance with the abovesaid submission.*

*The recovery of Rs.2 lakh be stayed till the next date of hearing.*

*The Executing Court is directed to give a date beyond the date fixed in the present case.*

*Notice re: interim stay.*

*To be taken up in the urgent list.*

*Liberty is granted to the appellant to serve respondent nos.1 and 2 through dasti process as well as through the counsel appearing before the executing Court.*

*It is made clear that in case, the demand draft as stated hereinabove is not brought on the next date of hearing, then the interim order passed in favour of the appellant would be deemed to be rejected.*

**04.02.2025”**

3. During the course of arguments, a consensus has been arrived at between learned counsel for the appellant as well as learned counsel for the respondents, after taking instructions from their respective clients and in view of the said consensus between the parties and the fair stand taken by learned counsel for the appellant as well as learned counsel for the respondents, the present appeal is disposed of and the impugned order dated 06.02.2024 is modified with the following observations/directions:-

- (i) It has been agreed between by learned counsel for the appellant as well as learned counsel for the respondents that in pursuance of the impugned order, the appellant would pay a total amount of Rs.5,98,089/- to the respondents, out of which, two demand drafts of Rs.2,16,295/- each (Total Rs.4,32,590/-) have been handed over to learned counsel for the respondents, which fact has been reaffirmed by learned

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counsel for the respondents.

- (ii) Learned counsel for the appellant has further undertaken that the balance amount of Rs.1,65,499/- would be paid to learned counsel for the respondents on or before 24.02.2025, which would be further transmitted by the office of learned counsel for the respondents to the respondents. After the said amount is paid, the respondents would withdraw the execution application filed for execution of the present orders.
- (iii) The Appellate Tribunal had observed that the allottees/respondents would not be debarred from claiming compensation as per statutory provision. It is the case of the respondents that they have already filed the claim for compensation.
- (iv) It is made clear that the disposal of the present appeal would not come in the way of the respondents/allottees in pursuing the said claim and it would be open to both the parties to raise all pleas as available to them in the said proceedings and the said proceedings would be decided independently, after hearing both the parties concerned, in accordance with law.

**February 18, 2025**  
naresh.k

**( VIKAS BAHL )**  
**JUDGE**

|                            |        |
|----------------------------|--------|
| Whether reasoned/speaking? | Yes/No |
| Whether reportable?        | Yes/No |