



RERA-APPL-19-2025 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(130)

RERA-APPL-19-2025 (O&M)

Date of decision: - 11.03.2025

M/s Marvel Homes Construction Pvt. Ltd.

....Appellant

Versus

Amit Kumar and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Gaurav Chopra, Senior Advocate, with
Ms. Vardaan Seth, Advocate
for the appellant.

Mr. Munish Gupta, Advocate, and
Mr. Akash Mehta, Advocate
for respondent No.1-caveator.

VIKAS BAHL, J. (ORAL)

1. Learned senior counsel for the appellant has submitted that in the present case, a complaint filed by respondent No.1 was finally decided by the authority on 18.12.2018. It is further submitted that subsequently an application was filed by respondent No.1 which was in the form of a review application and the said application was also dismissed on 08.05.2019. It is submitted that respondent No.1 only filed an appeal against the order dated 08.05.2019 and never filed an appeal against the original order dated 18.12.2018 and at the time of hearing, a specific objection to the said effect was raised on behalf of the appellant but the Appellate Tribunal rejected the said argument by observing that the order



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dated 18.12.2018 was an interim order. It is stated that a perusal of the order dated 18.12.2018 clearly shows that the complaint had been decided by the authority and the file had been consigned to the record room and thus, the said order cannot be stated to be an interim order and was in fact a final order. It is submitted that since respondent No.1 had chosen not to challenge the order dated 18.12.2018, thus, the appeal filed by respondent No.1 was required to be dismissed on the said ground alone.

2. Learned counsel appearing for respondent No.1 has submitted that respondent No.1 has a good case on merits and has further submitted that in view of the objections raised on behalf of the appellant, the impugned order dated 20.02.2025 be set aside and respondent No.1 be granted liberty to amend the grounds of appeal so as to lay specific challenge to the order dated 18.12.2018 and the matter be decided afresh by the Appellate Tribunal.

3. Learned senior counsel for the appellant in rebuttal has submitted that in case any such application for amendment is filed, liberty be granted to the appellant to raise all the pleas as are available to it, in accordance with law, before the Appellate Tribunal, on all aspects.

4. During the course of arguments, a consensus has been arrived at between the learned senior counsel for the appellant as well as learned counsel for the contesting respondent No.1 and accordingly, the present appeal is partly allowed and the impugned order dated 20.02.2025 is set aside with the following directions/observations: -

(i) It would be open to the respondent No.1 to move an



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application for amendment in the appeal. It would also be open to the appellant to raise all the pleas opposing the said amendment.

- (ii) The Appellate Tribunal would decide the said prayer for amendment in accordance with law and would also decide the appeal No.68 of 2019 afresh, in accordance with law, after hearing all the parties concerned.
- (iii) It would be relevant to mention that this Court has not opined on the merits of the controversy and thus, the Appellate Tribunal would decide the case afresh, independently and in accordance with law.
- (iv) Parties through their counsel would appear before the Appellate Tribunal on 20.03.2025.

March 11, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No