



RERA-APPL-78-2024 (O&M) 1

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

1. RERA-APPL-78-2024 (O&M)

Splendor Landbase Ltd.

... Appellant

Versus

M/s Paras Ram Industries Pvt. Ltd. now known as M/s Sadravya Research Pvt. Ltd.

... Respondent

2. RERA-APPL-79-2024 (O&M)

Splendor Landbase Ltd.

... Appellant

Versus

M/s Paras Ram Industries Pvt. Ltd. now known as M/s Sadravya Research Pvt. Ltd.

... Respondent

3. RERA-APPL-80-2024 (O&M)

Splendor Landbase Ltd.

... Appellant

Versus

M/s Paras Ram Industries Pvt. Ltd. now known as M/s Sadravya Research Pvt. Ltd.

... Respondent



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7. RERA-APPL-84-2024 (O&M)

Splendor Landbase Ltd.

... Appellant

Versus

M/s Paras Ram Industries Pvt. Ltd. now known as M/s Sadravya Research Pvt. Ltd.

... Respondent

8. RERA-APPL-85-2024 (O&M)

Splendor Landbase Ltd.

... Appellant

Versus

M/s Paras Ram Industries Pvt. Ltd. now known as M/s Sadravya Research Pvt. Ltd.

... Respondent

9. RERA-APPL-86-2024 (O&M)

Splendor Landbase Ltd.

... Appellant

Versus

M/s Paras Ram Holdings Pvt. Ltd. now known as M/s Sadravya Research Pvt. Ltd.

... Respondent



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10. RERA-APPL-87-2024 (O&M)

Splendor Landbase Ltd.

... Appellant

Versus

Shri Paras Ram Industries Pvt. Ltd. now known as M/s Sadravya Research Pvt. Ltd.

... Respondent

11. RERA-APPL-88-2024 (O&M)

Splendor Landbase Ltd.

... Appellant

Versus

M/s Paras Ram Industries Pvt. Ltd. now known as M/s Sadravya Research Pvt. Ltd.

... Respondent

12. RERA-APPL-89-2024 (O&M)

Splendor Landbase Ltd.

... Appellant

Versus

M/s Paras Ram Industries Pvt. Ltd. now known as M/s Sadravya Research Pvt. Ltd.

... Respondent



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13. RERA-APPL-90-2024 (O&M)

Splendor Landbase Ltd.

... Appellant

Versus

Shri Paras Ram Holdings Pvt. Ltd. now known as M/s Sadravya Research Pvt. Ltd.

... Respondent

14. RERA-APPL-91-2024 (O&M)

Splendor Landbase Ltd.

... Appellant

Versus

M/s Paras Ram Holdings Pvt. Ltd. now known as M/s Sadravya Research Pvt. Ltd.

... Respondent

15. RERA-APPL-92-2024 (O&M)

Splendor Landbase Ltd.

... Appellant

Versus

M/s Paras Ram Industries Pvt. Ltd. now known as M/s Sadravya Research Pvt. Ltd.

... Respondent



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19. RERA-APPL-96-2024 (O&M)

Splendor Landbase Ltd.

... Appellant

Versus

M/s Paras Ram Industries Pvt. Ltd. now known as M/s Sadravya Research Pvt. Ltd.

... Respondent

20. RERA-APPL-100-2024 (O&M)

Splendor Landbase Ltd.

... Appellant

Versus

M/s Paras Ram Industries Pvt. Ltd. now known as M/s Sadravya Research Pvt. Ltd.

... Respondent

Date of decision : 10.02.2025

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.A.R. Takkar, Advocate,
Mr.Aman Arora, Advocate,
Ms.Shriya Takkar, Advocate,
Mr.Manan Takkar, Advocate,
Mr.Archit Rana, Advocate,
Mr.Dushyant Rana, Advocate and
Ms.Aastha Tyagi, Advocate
for the appellant.

Mr.Sachin Mittal, Advocate,
Mr.Akshat Mittal, Advocate,
Mr.Parth Sharma, Advocate and
Mr.Arnav Mittal, Advocate
for the respondent.



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VIKAS BAHL, J.(ORAL)

CM-11617-C-2024

1. This is an application under Section 151 of the CPC for condonation of delay of 92 days in re-filing the appeal.
2. For the reasons stated in the application, which is supported by an affidavit, the application is allowed and delay of 92 days in re-filing the appeal is condoned.

Main appeals

1. The present order shall dispose of 20 appeals i.e., RERA-APPL-78-2024(O&M), RERA-APPL-79-2024(O&M), RERA-APPL-80-2024(O&M), RERA-APPL-81-2024(O&M), RERA-APPL-82-2024(O&M), RERA-APPL-83-2024(O&M), RERA-APPL-84-2024(O&M), RERA-APPL-85-2024(O&M), RERA-APPL-86-2024(O&M), RERA-APPL-87-2024(O&M), RERA-APPL-88-2024(O&M), RERA-APPL-89-2024(O&M), RERA-APPL-90-2024(O&M), RERA-APPL-91-2024(O&M), RERA-APPL-92-2024(O&M), RERA-APPL-93-2024(O&M), RERA-APPL-94-2024(O&M), RERA-APPL-95-2024(O&M), RERA-APPL-96-2024(O&M) and RERA-APPL-100-2024(O&M) as common question of law and facts are involved.
2. With the consent of all the counsel for the parties, appeal no.78 of 2024 titled as “Splendor Land Base Ltd. vs. Shri Paras Ram Industries Pvt. Ltd.” is taken up as the lead case.
3. On 28.11.2024, this Court was pleased to pass the following

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order:-

*“Present: Mr.A.R. Takkar, Advocate (through V.C.),
Mr.Aman Arora, Advocate,
Mr.Manan Takkar, Advocate and
Mr.Dushyant Rana, Advocate
for the appellant.*

Inter alia contends that in the present case, as per the directions given by the Haryana Real Estate Regulatory Authority, Gurugram, the present appellant was directed to pay interest along with its arrears but in the same order under sub Clause (iv) of para 69, it was further directed that the present appellant would also issue a revised statement of account after adjustment of interest for the delayed period, the complainant was directed to pay the outstanding dues, if any, within a period of 30 days from intimation of the revised statement of account. It is submitted that as per the statement of account in the present case, a total amount of Rs.25,25,897/- is due from the claimant with respect to unit no.STT/054C and the said calculation has been done in accordance with the written agreement between the parties. It is submitted that as far as the payment of interest is to be made by the present appellant, the total amount would come to Rs.11,81,531/- and thus, even if the said amount is deducted from the total amount due from the claimant, then also an amount of Rs.13,44,366/- would be due from the claimant to the appellant. It is submitted that as per Section 43(5) of the Real Estate (Regulation and Development) Act, 2016, a promoter is required to deposit the total amount to be paid to the allottee including interest and compensation imposed on him by the order of the authority. It is submitted that since in the present case, there is no amount which is to be paid by the present appellant to the allottee and



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rather the allottee has to pay the amount to the present appellant by virtue of the impugned order, thus, no amount would be liable to be paid by the present appellant to the allottee under Section 43(5). It is further submitted that in the present case, no penalty has been imposed and thus, the first part of the proviso of Section 43(5) would not apply. It is stated that even the allottees are dissatisfied with the order dated 07.02.2023 and they have also filed respective appeals which are listed for 11.12.2024. It is further stated that to the statement of account (Annexure A-1), no counter statement of account has been given by the allottee.

Notice in the application for condonation of delay as well as in main appeal for 09.12.2024.

To be taken up at 01:45 PM.

A photocopy of this order be placed in the files of the connected cases.

November 28, 2024”

4. Learned counsel for the appellant, in furtherance of his earlier arguments, has referred to the directions issued by the Regulatory Authority in paragraph 69, which are reproduced hereinbelow:-

“69 Thus, due to the above-mentioned findings on various issues and discussion above, the authority hereby passes this order and issues the following directions under section 37 of the Act to ensure compliance of obligations cast upon the promoter as per the function entrusted to the authority under section 34(f):

i. The cancellation of the allotted unit vide letters dated 30.08.2021 and 29.07.2022 respectively is set aside being illegal and the unit is being restored to its original position.



ii The respondent is directed to pay interest at the prescribed rate of 10.60% p.a. for every month of delay from the due date of possession till the obtaining of occupation certificate i.e., 14.09.2016 plus two months i.e., 14.11.2016 to the complainant(s) as per section 19 (10) of the Act.

iii. The arrears of such interest accrued from due date of possession till its admissibility as per direction (ii) above shall be paid by the promoter to the allottees within a period of 90 days.

iv. The respondent shall issue a revised statement of account after adjustment of interest for the delayed period; the complainant is directed to pay outstanding dues, if any, within a period of 30 days from intimation of revised statement of account and the respondent is directed to handover possession of the allotted unit in next 30 days.

v. The rate of interest chargeable from the allottee by the promoter, in case of default shall be charged at the prescribed rate i.e., 10.60 % by the respondent/promoter which is the same rate of interest which the promoter shall be liable to pay the allottee, in case of default i.e., the delayed possession charges as per section 2(za) of the Act.”

5. During the course of arguments, a consensus has been arrived at between the counsel for the appellant and the counsel for the respondent on instructions from their respective parties and it has been jointly submitted that the present case is a peculiar case in which the cancellation of the allotment, which was done during the pendency of the appeal, has



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been set aside in favour of the allottees and the allotment has been restored to its original position and in doing so, directions / counter directions have been issued in favour of and against both the parties. It is further submitted that the mandate of Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 as well as of the law laid down by the Hon'ble Supreme Court of India in case titled as *M/s Newtech Promoters and Developers Pvt. Ltd. Vs State of UP and Others* reported as *2021 (18) SCC 1* is to ensure that the money which has been computed by the authority must be safe guarded, if the promoter intends to prefer an appeal before the Tribunal and since in the present case, keeping in view the directions issued in paragraph 69 (iv), requiring the allottee to pay the outstanding dues, if any, after having been given the benefit of sub clause (ii) and sub clause (iii), it is the case of both the parties that the right of allottee in such peculiar facts and circumstances, are safeguarded.

6. It has further been submitted that the allottees are also aggrieved with the directions given by the Regulatory Authority and rejection of certain claims made by the allottees and thus it is also in the interest of the allottees that the appeals filed by them are decided as expeditiously as possible along with the appeals filed by the promoters, so that the entire issue is finally adjudicated. It has been submitted that since in such facts and circumstances, the mandate of law has been complied with, the impugned order dated 15.05.2024 be set aside and the appeals filed by the promoters be heard along with the appeals filed by the allottees and all



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the said appeals be decided together on merits, after hearing all the parties concerned. It has further been submitted that all the issues / claims made by both the parties against each other be kept open, to be finally adjudicated by the Appellate Tribunal.

6. Keeping in view the abovesaid facts and circumstances and the fair stand taken on behalf of the appellant and the respondent and also in view of the peculiar facts and circumstances of the present cases, the present appeals are partly allowed and the impugned order dated 15.05.2024 is set aside and the appeals filed by the promoters are directed to be heard on merits along with the appeals filed by the allottees.

7. Needless to say that all the points raised by both the parties on the merits of the dispute are kept open and it would be open to both the parties to raise all pleas on merits in their respective appeals filed by them and the Appellate Tribunal would consider the same independently, in accordance with law.

**(VIKAS BAHL)
JUDGE**

February 10, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No