

M/s Emaar MGF Land Ltd. V/s Naveen Gaur & anr.
Appeal No. 1362 /2019

Present: Sh. Sanjeev Sharma, Advocate, ld. counsel for the appellant.
Sh. Vishal Singal, Advocate, ld. counsel for the respondents.

Sh. Vishal Singal, Advocate, has filed the vakalatnama on behalf of the respondents no. 1 & 2. He has also filed the affidavits of both the respondents.

The appellant/promoter has moved an application for permission to withdraw the present appeal and for release/refund of a sum of Rs. 64,83,314/- deposited by the appellant with this Tribunal in order to comply with the provisions of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.

Notice of this application was issued to both the respondents. Sh. Vishal Singal has put in appearance on behalf of the respondents and has filed their affidavits.

The application moved by the appellant was also accompanied with the settlement agreement dated 07.02.2020 entered into between the parties which shows that the appellant/promoter has agreed to the credit/refund in favour of the respondents a total sum of Rs. 48,70,528/- towards the claims narrated in para no. 1 (a & b) of the settlement.

In the affidavit filed by both the respondents, it has been categorically mentioned that they have no objection to the withdrawal of the appeal and refund of the decretal amount in appellant's favour.

Ld. counsel for the respondents has also stated at bar on the instructions of the respondents that the present appeal in view of the settlement dated 07.02.2020 may be dismissed as withdrawn and the amount deposited by the appellant/promoter with this Tribunal may be refunded to the appellant.

Thus in view of the settlement dated 07.02.2020 between the parties, the present appeal is hereby dismissed as withdrawn. The

amount of Rs. 64,83,314/- deposited by the appellant with this Tribunal be refunded to the appellant immediately as per the rules.

File be consigned to the records.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh
02.03.2020

Inderjeet Mehta
Member (Judicial)
02.03.2020

Anil Kumar Gupta
Member (Technical)
02.03.2020