

M/s Emaar India Ltd.
Vs.
Kalpana Shashank Warty and anr.

Appeal No. 230 of 2022

Present: Shri Yashvir Singh Balhara, Advocate, Ld. counsel for the appellant.

Office report perused.

The appeal be registered.

As per the report of the office, the appellant has deposited a total sum of Rs. 25,09,801/- to comply with the provisions of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (in short the Act). So, the provision of proviso to Section 43 (5) of the Act stands complied with.

Though there is delay of 32 days in filing the present appeal but no formal application in this regard has been filed. Ld. proxy counsel for the appellant has requested for condoning the same.

In view of the directions issued by the Hon'ble Apex Court in Suo Moto Writ Petition (C) No.3 of 2020, the delay of 32 days in the present appeal stands condoned.

Ld. counsel for the appellant states that on the instruction of the appellant, the matter has been amicably settled between the parties vide settlement deed dated 26.05.2022. The photocopy of the same has been placed on record.

Ld. counsel for the appellant has also stated that he does not want to proceed further with the present appeal. The same may be dismissed as withdrawn. The amount deposited by the appellant with this Tribunal in compliance of Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (for short, the Act) may be refunded.

In view of the statement made at bar by Ld. counsel for the appellant, the present appeal is hereby dismissed as withdrawn. The amount of Rs. 25,09,801/-, deposited with this Tribunal as pre-deposit, along with

interest accrued be sent to the Ld. Authority for disbursement to the appellant subject to tax liability, if any, as per law and rules.

Copy of this order be conveyed to the parties/Ld. counsel for the appellant and the Ld. Haryana Real Estate Regulatory Authority, Gurugram for information and necessary compliance.

File be consigned to the record.

Inderjeet Mehta
Member (Judicial)
Haryana Real Estate Appellate Tribunal
Chandigarh

Anil Kumar Gupta
Member (Technical)

23.08.2022
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