

Jindal Reality Limited
V/s
Kavita Goel and Others
Appeal No. 303/2021

Present: Shri Drupad Sangwan, Advocate, Ld. Counsel for the appellant.

Shri Vishal Sharma, Advocate, ld. counsel for the respondents.

Ld. counsel for the appellant has moved an application for amendment of the title of the appeal, stating therein that due to inadvertence, out of the three complainants namely Kavita Goel, Anuj Madan, & Sanjay Kumar Gupta before the ld. Authority, only Kavita Goel was arrayed as a respondent.

2. A perusal of the file reveals that three complainants namely Kavita Goel, Anuj Madan, & Sanjay Kumar Gupta had preferred the complaint against the appellant. It appears that due to inadvertence, the appellant could not implead the remaining complainants namely Anuj Madan and Sanjay Kumar Gupta as respondents in the present appeal. Ld. counsel for the respondent has also no objection in this regard. Accordingly, the present application stands allowed. The amended Memorandum of Appeal has been placed on file.

3. Ld. counsel for both the parties have stated that the matter has been settled between the parties.

4. In view of the settlement arrived at between the parties, ld. counsel for the appellant has made the following statement:

“That as per the settlement arrived at between the parties and upon instructions from the appellant I state that an amount of 10,39,737/- with regard to unit no. 18 has to be refunded to the respondents in equal share. An

amount of Rs. 1,31,200/- (on account of Electricity Connection Charges, Sewerage, Water and Storm Charges, GST and IFMS) has to be collected from the respondents in equal share. In this way, now the appellant has to pay an amount to Rs. 9,08,537/- to the respondents in equal share after deducting the aforesaid charges of Rs. 1,31,200/-. The appellant has waived off the charges of Malba and Attorney Fees and till date CAM charges and now the CAM charges can be charged from today i.e. 06.09.2022. The appellant has no objection if this aforesaid amount of Rs. 9,08,537 is paid to the respondents in equal share out of the amount of Rs. 14,75,546/- already deposited by the appellant with this Tribunal in compliance of Section 43 (5) of the of the Real Estate (Regulation and Development) Act, 2016. The remaining amount of Rs. 5,67,009/- be refunded back to the appellant. Now after this settlement nothing is due from the respondents till date.”

5. Shri Vishal Madan, Advocate, ld. counsel for the respondent has made the following statement:-

“That I have read over the statement given by the ld. counsel for the appellant and I agree to the same and have no objection in case the present appeal is disposed of in view of the statement given by the ld. Counsel for the appellant today in the Court.”

6. In view of the aforesaid statements made by the respective counsel of the parties, the matters stands settled between the parties. However, it is made clear that out of amount of Rs. 14,75,546/- already deposited by the appellant with this Tribunal in compliance of Section 43(5) of the Real Estate (Regulation and Development) Act, 2016, an amount of Rs. 9,08,537/- be paid to the respondents in equal share, whereas, the remaining amount of Rs.

5,67,009/- along with interest accrued would be refunded to the appellant.

7. In view of the statement made at bar by Ld. counsel for the parties, the present appeal is hereby disposed of. The amount of Rs. 14,75,546/-, deposited with this Tribunal as pre-deposit, along with interest accrued be sent to the Ld. Authority for disbursement to the respondents and appellant, as mentioned above, subject to tax liability, if any, as per law and rules.

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

9. File be consigned to the record.

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

Anil Kumar Gupta
Member (Technical)

06.09.2022
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