

**BEFORE THE HARYANA REAL ESTATE APPELLATE  
TRIBUNAL**

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Appeal No. 643 of 2022  
Date of Decision: 03.03.2023

Blackberry Realcon Pvt. Ltd. Registered office at 11<sup>th</sup> floor,  
Paras Twin Tower, Sector 54 Golf Course Road, Gurugram.

Appellant

Versus

Bhupinder Singh, R/o, C1/5, Eledeco Estate, Sector 4,  
Panipat.

Respondent

**CORAM:**

**Justice Rajan Gupta**  
**Shri Inderjeet Mehta**  
**Shri Anil Kumar Gupta**

**Chairman**  
**Member (Judicial)**  
**Member (Technical)**

Present: Shri S.K. Manchanda, Advocate,  
for the appellant.

**ORDER:**

**Rajan Gupta, Chairman:**

The present appeal has been preferred by the appellant (M/s Blackberry Realcon Pvt. Ltd.) against the order dated 27.09.2021 passed by learned Haryana Real Estate Regulatory Authority, Gurugram (hereinafter called 'Id. Authority').

2. During the pendency of the appeal before this court, it was stated that the settlement has been arrived at between the parties.

3. Learned counsel for the appellant submits that he has received an affidavit of the Authorised Representative of the appellant-company. He seeks to place it on record. Prayer is

accepted. The affidavit is taken on record as Mark-‘A’. Relevant paras thereof, reads as under:-

*“I, the above named deponent, do hereby solemnly affirm and declare as under:-*

*1. That the deponent is the authorized representative of the Appellant Company and is otherwise familiar with the facts of the present case and as such is competent to swear the present affidavit.*

*2. That the appellant has settled the matter with the Respondent and in this regard, Settlement Agreement has been executed between the Parties. Under the Settlement, the Appellant has paid an amount of Rs. 37,81,704/- (sub. To TDS) in full and final settlement of all claims through two separate Cheques of Rs. 18,65,852/- each dated 15.01.2023 and 15.02.2023, totalling the amount of Rs. 37,31,704/-.*

*3. That after the execution of Settlement Agreement vide Agreement dated 11.01.2023 on receiving of Cheques, the Respondent has withdrawn Execution no. 1278 of 2022 pending before HARERA, Gurugram on 13.01.2023.*

*4. That the Respondent deposited the Cheques in his Bank and the same have been encashed.*

*5. That the Aadhar Card of the deponent is attached as proof of identity and address.*

*Deponent”*

4. In view of the settlement deed, he does not press this appeal. The same is disposed of as not pressed.

5. The amount of Rs. 59,99,075/- deposited by the appellant with this Tribunal to comply with the provisions of

proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016, along with interest accrued thereon, be sent to the learned Authority, Gurugram for disbursement to the appellant (M/s Blackberry Realcon Pvt. Ltd.) subject to tax liability, if any, according to law.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal,  
Chandigarh

Inderjeet Mehta  
Member (Judicial)

Anil Kumar Gupta  
Member (Technical)

03.03.2023  
Manoj Rana