

**BEFORE THE HARYANA REAL ESTATE APPELLATE  
TRIBUNAL**

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Appeal No. 441 of 2022  
Date of Decision: 28.02.2023

Emaar MGF Land Ltd. registered office at 306-308, Square One, C-2 district Centre, Saket, New Delhi-110 017

2<sup>nd</sup> Address Corporate Office, Emaar Business Park, MG Road, Sikandarpur, Sector 28, Gurugram (Haryana) 122 002

Appellant

Versus

Dr. Vipin Kumar Malhotra, R/o 58 SFS DDA Flats, Pocket-1, Sector 22, Dwaraka, New Delhi-110077.

Respondent

**CORAM:**

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

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

**Present:** Ms. Tanika Goyal, Advocate,  
for the appellant.

None for the respondent.

**ORDER:**

**Rajan Gupta, Chairman:**

Appellant (M/s Emaar India Ltd.) has challenged the order passed by the Id. Authority on various grounds as set out in the appeal.

2. On 02.02.2023, the case was fixed before this Tribunal, wherein, it was stated that the possibility of amicable settlement of the dispute was being explored.

3. Today, we have been apprised by learned counsel for the appellant that the matter has been settled. An amount of Rs. 13,82,699/- vide cheque no. 298007 dated 20.02.2023

and an amount of Rs. 13,82,699/- vide cheque no. 298006 dated 20.02.2023 have been paid to the respondent namely Shri Vipin Kumar Malhotra. The photocopy of the cheques has been produced, which is taken on record as Marks 'A' & 'B'.

4. A written communication dated 27.02.2023 by way of e-mail has been received from the respondent, wherein, it has been stated that he has received the cheques in question. The matter has been amicably settled.

5. Learned counsel for the appellant submits that she may be allowed to withdraw the appeal and the amount deposited with this Tribunal to comply with the provisions of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 may be refunded to the appellant.

6. In view of the above, no lis survives in the appeal and the same is disposed of as such.

7. The amount of Rs. 30,48,735/- 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 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)

28.02.2023  
Manoj Rana