



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

**EXECUTION NO. 432 OF 2021
IN
COMPLAINT NO. 517 OF 2020**

Vishal Madan

....COMPLAINANT(S)

VERSUS

Jindal Realty Pvt Ltd

....RESPONDENT(S)

**CORAM: Dr. Geeta Rathee Singh
Dilbag Singh Sihag**

**Member
Member**

Date of Hearing: 20.10.2022

Hearing: 6th

**Present: - Mr. Vishal Madan, Ld. Counsel for the Complainant through VC
None for the respondent**

ORDER (DILBAG SINGH SIHAG-MEMBER)

Present complaint is an execution of the orders dated 23.12.2020 passed by the Authority in favour of complainant. Respondent was directed to handover possession of the unit apart from the payment of delay interest within thirty days of uploading of said order.

2. On the last date of hearing i.e. on 09.08.2022 following order was passed:-

“Learned counsel for respondent has today submitted that respondent has already filed an appeal bearing no. 304 of 2021 before Hon’ble Appellate Tribunal. Said appeal is now listed for hearing on 06.09.2022 for arguments. Therefore, respondent may be allowed time to await the decision of appeal in the interest of justice.

In view of appeal pending before Hon’ble Appellate Tribunal wherein full amount of pre-deposit has already been deposited by the respondent the case is adjourned to 20.10.2022 awaiting final decision of said appeal”.

3. Today, learned counsel for the complainant apprised the Authority that matter has been amicably settled between the parties. Terms of settlement has been duly recorded in the final disposal order dated 06.09.2022 passed by Hon’ble Real Estate Appellate Tribunal in Appeal no. 304/2021. So, he requested to remit the amount to parties in accordance with the order passed by Hon’ble Real Estate Appellate Tribunal. However, no one is appearing on behalf of respondent that may be due to strike/ work suspension announced by legal fraternity.

4. Relevant part of the final disposal order dated 06.09.2022 passed by Hon’ble Real Estate Appellate Tribunal in Appeal no. 304/2021 is reproduced below for reference:-

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

L

2. 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 appellants I state that an amount of Rs. 9,85,964/- with regard to unit no. 19 has to be refunded to the respondent and 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 respondent. In this way, now the appellant has to pay an amount to Rs. 8,54,764/- to the respondent 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. 8,54,764 is paid to the respondent out of the amount of Rs. 14,13,820/- already deposited by the appellant with this Tribunal in compliance of Section 43 (5) of the Real Estate (Regulation and Development) Act, 2016. The remaining amount of Rs. 5,59,056/- be refunded back to the appellant. Now after this settlement nothing is due from the respondent till date.
3. Shri Vishal Madan, Advocate, ld. counsel for the respondent has made the following statement:- 2 "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."
4. 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. 14,13,820/- 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. 8,54,764 /- be paid to the respondents, whereas, the remaining amount of Rs. 5,59,056/- 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. 14,13,820/-, deposited with this Tribunal as pre-deposit, along with interest accrued be sent to the Ld. Authority for disbursement to the respondent 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 appellant and the Ld. Haryana Real Estate Regulatory Authority, Panchkula, for information and necessary compliance.

9. File be consigned to the record.”

5. Considering the statement made by complainant's counsel and keeping in view the directions issued vide aforementioned order dated 06.09.2022 by Hon'ble Real Estate Appellate Tribunal the present complaint is **disposed of** with a direction to office to remit an amount of pre-deposit of Rs 14,13,820/- in accordance with the terms of settlement made part of order dated 06.09.2022 in the bank accounts provided by complainants and respondent. Details of Bank account are provided below:-

| Sr. No. | Name of party | Bank Account with IFSC Code |
|---------|--------------------------|--|
| 1. | Vishal Madan | Bank-HDFC Account No.-03021000078242 IFSC Code-HDFC0000302 |
| 2. | Jindal Realty Pvt Ltd | Bank-ICICI Account No.-000705029112 IFSC Code-ICIC0000007 |

6. Relevant part of order dated 06.09.2022 for remitting the amount is reproduced below for reference:-

"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. 14,13,820/- 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. 8,54,764 /- be paid to the respondents, whereas, the remaining amount of Rs. 5,59,056/- 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. 14,13,820/-, deposited with this Tribunal as pre-deposit,

along with interest accrued be sent to the Ld. Authority for disbursement to the respondent and appellant, as mentioned above, subject to tax liability, if any, as per law and rules."

7. Accordingly, amount of Rs 8,54,764/- be paid to the complainant i.e. Vishal Madan and remaining amount of Rs 5,90,056/- alongwith interest accrued would be refunded to the respondent i.e. Jindal Realty Pvt Ltd. in the account mentioned above subject to tax liability, if any, as per law and rules.

8. Case is **disposed of** in above terms. File be consigned to record room.



Geeta Rathee
.....
DR. GEETA RATHEE SINGH
[MEMBER]

Dilbag Singh Sihaq
.....
DILBAG SINGH SIHAG
[MEMBER]



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Rectification U/S 39 OF RERA Act,2016 for rectification of order dated 20.10.2022 in "Execution no. 432 of 2021 in complaint no. 517 of 2020 titled as Vishal Madan vs Jindal Realty Pvt Ltd"

The Authority after consideration decided to modify its order dated 20.10.2022 passed in Execution no. 432 of 2021 in complaint no. 517 of 2020 titled as Vishal Madan vs Jindal Realty Pvt Ltd, to the extent that in para 7, the words 'remaining amount of Rs 5,90,056/-' now be read as 'remaining amount of Rs 5,59,056/-'. However, the limitation period shall be counted from the date of uploading of the original order.
