

**BEFORE THE HARYANA REAL ESTATE APPELLATE  
TRIBUNAL**

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Appeal No.48 of 2023 (O&M)  
Date of Decision: 03.05.2023

Vatika Limited Registered office at Vatika Triangle, 4<sup>th</sup> Floor,  
Sushant Lok, Phase-1, Block-A, Mehrauli Gurgaon Road,  
Gurugram, Haryana-122022.

Appellant

Versus

Arvind Garg, R/o House No. M 428, GF, Orchid Island, Sector 51,  
Gurgaon.

Respondent

**CORAM:**

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

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

Present: Mr. Venket Rao, Advocate,  
for the appellant.

**ORDER:**

**Rajan Gupta, Chairman:**

On the last date of hearing, the following order was  
passed, in this case:-

*“The following queries have been put to Mr. Balhara:*

- i) Whether the proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 needs to be complied in the cases pertaining to the orders passed in execution proceedings by the Authority?*
  - ii) Whether the account in question which has been attached can be termed as “Escrow Account”?*
- Mr. Balhara submits that he needs more time to answer the above mentioned queries.  
Adjourned to 03.05.2023.”*

2. Mr. Rao, at the outset, submits that he has instructions to withdraw this appeal. A query has been put to him why costs of the proceedings be not imposed on the appellant as the voluminous file has been dealt with by various Sections of the Registry.

3. It appears from the very beginning, there was no intention on the part of the appellant to pursue the proceedings as no pre-deposit has been made despite lapse of considerable time. Costs of the proceedings, thus, need to be imposed. Mr. Rao, however, assures that the promoter shall be careful in future. We, thus, refrain from imposing any costs in the instant case. The question is, however, left open to be decided in appropriate cases.

4. Appeal is dismissed as withdrawn.

5. Copy of this order be retained by the Registrar of the Tribunal.

6. File be consigned to the record.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Inderjeet Mehta  
Member (Judicial)

Anil Kumar Gupta  
Member (Technical)

03.05.2023  
Manoj Rana

