

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

Appeal No. 427 of 2021

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

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

Appellant

Versus

Mr. Gurpreet Singh Walia, R/o H. No. C-1/46, Sector-36, Noida, UP-20303.

2nd Address- 1968, Knollwood Road Syosset, New York City. 11791, New York.

Respondent

CORAM:

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

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

Present: Shri Kunal Dawar, Advocate,
for the appellant.

Shri Shailender Jain, Sr. Advocate assisted by
Shri Ramandeep, Advocate,
for the respondent.

ORDER:

Rajan Gupta, Chairman:

Admittedly, the settlement was affected between the parties, which is taken on record.

2. Mr. Dawar, at the outset, submits that the appellant and respondent are duty bound to act in accordance with the terms of the settlement. He submits that in view of the same, he may be allowed to withdraw the present 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.

3. Mr. Jain, Sr. Advocate, submits that he does not have any objection. He, however, submits that the respondent may be given liberty to move appropriate application in case circumstances so demand.

4. Accordingly, the present appeal stands dismissed as withdrawn with liberty to the respondent as prayed for.

5. The amount of Rs. 3,22,84,433/- 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.

6. Copy of this order be sent to the parties/Ld. counsel for the parties and Ld. Haryana Real Estate Regulatory Authority, Gurugram.

7. File be consigned to the record.

Justice Rajan Gupta
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

21.03.2023
Manoj Rana