

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 95 of 2023
Date of Decision: 12.04.2023

M/s SS Group Private Limited, Registered office at 77, SS House, Sector-44, Gurugram, Haryana-122003.

Appellant

Versus

1. Anil Kumar Yadav

2. Rajesh Yadav

Both R/o H.No. 4/51A, Shivaji Nagar, Gurugram, Haryana-122003.

Respondents

CORAM:

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

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

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

ORDER:

Rajan Gupta, Chairman:

Mr. Dawar Submits that amount of pre-deposit as envisaged by proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 has been made.

2. Report of the Registry is also to the same effect. The appeal, thus, be registered.

CM No. 244 of 2023

3. There is delay of five days' delay in filing of the appeal. For the reasons stated in the application, the same is condoned. Application (CM No. 244 of 2023) is thus allowed.

4. Mr. Dawar Submits that the directions were given in the impugned order dated 05.01.2023 passed by the Adjudicating Officer, Haryana Real Estate Regulatory Authority, Gurugram to send

back the file to the Authority to issue recovery certificate/further order. We do not find any infirmity in the same. However, only apprehension expressed before us is that the Adjudicating Officer has directed to issue the recovery certificate without evaluating the decretal amount.

5. We hereby clarify that the matter shall be dealt with by the Authority independently as per law as also keeping in view directions given by the authority in its order dated 31.03.2021.

6. Mr. Dawar submits that he is satisfied with the aforesaid clarification and may be allowed to withdraw the appeal with liberty to raise all the pleas before the authority.

7. Dismissed as withdrawn with aforesaid liberty.

8. The amount of Rs.12,52,303/- deposited by the appellant-promoter with this Tribunal as pre-deposit 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 Authority, Gurugram for disbursement to the applicant-appellant-promoter subject to tax liability, if any, according to law.

9. Copy of this order be sent to appellant/counsel for the appellant and the Authority, Gurugram.

10. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal
Chandigarh

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)

12.04.2023
Manoj Rana