

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

Appeal No. 673 of 2022
Date of Decision: 11.04.2023

Nipun Kumar s/o Shri Bhudev Yadav, Resident of House No.92/2, near Village Dungarwas, Tehsil & District Rewari, Haryana-123106.

Appellant

Versus

M/s Victory Buildestate Private Limited, Shop No.GF,116-G, Sushant Shopping Arcade Building, Sushant Lok, Phase-1, Gurugram-122002, Haryana.

Respondent

CORAM:

Justice Rajan Gupta	Chairman
Shri Inderjeet Mehta,	Member (Judicial)
Shri Anil Kumar Gupta,	Member (Technical)

Present: Shri Amrinder Singh, Advocate,
for the appellant.

O R D E R:

RAJAN GUPTA, CHAIRMAN (Oral):

The present appeal has been filed against the order dated 30.06.2022 passed by Haryana Real Estate Regulatory Authority, Panchkula, whereby four complaints bearing nos.557/2021, 558/2021, 559/2021 and 560/2021 were disposed of. The operative part of the order reads as under:-

“5. Authority directs the respondent to refund entire amounts paid by complainants along with interest rate as prescribed under Rule 15 of HRERA, Rules 2017, i.e. SBI highest MCLR rate+2% which is 9.70% p.a. simple interest. Entire payable amount along with interest is tabulated below:

Sr. No.	Complaint No.	Amount paid	Interest @ 9.70% till 30.06.2022	Total
1.	557/2021	Rs.9,54,241/-	Rs.5,59,009/-	Rs.15,13,250/-
2.	558/2021	Rs.14,79,889/-	Rs.7,30,895/-	Rs.22,10,784/-
3.	559/2020	Rs.11,94,153/-	Rs.6,15,094/-	Rs.18,09,247/-
4.	560/2021	Rs.12,20,428/-	Rs.6,47,339/-	Rs.18,67,767/-

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Therefore, respondent is directed to pay amount as mentioned in table above as refund of deposited money alongwith interest to the complainant. Money shall be returned by the respondent within time period of 90 days as prescribed in Rule 16 of the RERA Rules.”

2. A query has been put to learned counsel for the appellant as to how the present appeal is maintainable as the impugned order appears to be in favour of the appellant. No clear answer is forthcoming.

3. Learned counsel for the appellant, however, submits that he may be allowed to withdraw the present appeal with liberty to pursue the execution proceedings pursuant to the aforesaid order.

4. The prayer made by learned counsel for the appellant is accepted.

5. The appeal is dismissed as withdrawn with the aforesaid liberty, if permissible in law.

6. File be consigned to the record.

Announced:
April 11, 2023

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)