

**BEFORE THE HARYANA REAL ESTATE APPELLATE  
TRIBUNAL**

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**C.M. No. 618 of 2023  
In Appeal No. 673 of 2022  
Date of Order: 27.07.2023**

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

Applicant/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:** Ms. Preeti Manderna, Advocate,  
for the applicant/appellant.

**ORDER:**

**RAJAN GUPTA, CHAIRMAN (Oral):**

The present application has been filed by the applicant/appellant for modification of the order dated 11.04.2023 passed by this Tribunal.

2. Learned counsel for the applicant/appellant, at the outset, submits that the appellant never intended to withdraw the matter. Same needs to be decided on merit.

3. Perusal of the order shows that same was passed in presence of the counsel for the appellant. A query was made to the counsel that at that stage whether appeal was maintainable as the impugned order appeared to be in favour of the applicant/appellant.

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Faced with this situation, counsel for the appellant had submitted that he be allowed to withdraw the appeal with liberty to pursue the execution proceedings. Resultantly, order dated 11.04.2023 was passed allowing the appellant to withdraw the appeal with liberty to pursue the remedy as permissible in law.

4. We find that the present application is not only misconceived but an afterthought. Same is hereby dismissed with Rs.5,000/- as costs. The costs shall be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Inderjeet Mehta  
Member (Judicial)

Anil Kumar Gupta  
Member (Technical)

27.07.2023  
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