

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 875 of 2022

M/s TDI Infrastructure Ltd. registered office at 2A, Mahindra Tower, Bhikaji, Cama Place, New Delhi 110022

Appellant

Versus

Urmila Devi resident of C1-102, Printer Appts, Sector 13, Plot No.18, Rohini Delhi 110085

Respondent

CORAM:

**Justice Rajan Gupta
Shri Anil Kumar Gupta**

**Chairman
Member (Technical)**

Present: Mr. Shubnit Hans, Advocate,
for the appellant

Mr. Abhinav Singla, Advocate,
for the respondent.

O R D E R:

Rajan Gupta, Chairman (Oral):

Complainant booked a shop in the project namely "Rodeo Drive TDI City" measuring 500 sq. fts. at Kundli, District Sonapat. Builder Buyer's Agreement was executed on 08.01.2010. As per same, respondent had to deliver the possession of the shop to the complainant on 08.07.2012. Complainant instituted the instant complaint in the year 2021 on the plea that she had remitted an amount of Rs.27,50,000/- out of the total sale consideration, however, possession had not been delivered to her. Matter was ultimately disposed of by the

Haryana Real Estate Regulatory Authority at Panchkula vide its order dated 04.08.2022. Operative part thereof reads as under:

“6. Respondent shall handover possession of shop to complainant as well as issue fresh statement of accounts within 30 days of uploading of this order. Respondent is directed to issue a fresh statement of accounts strictly as per provisions of THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016 and aforesaid principles laid down by the authority.

***Disposed of** in these terms. File be consigned to the record room and the orders be uploaded on the website of the Authority.”*

2. Today, when the case has been taken up for hearing. Learned counsel for the appellant has apprised this Tribunal that a settlement has been arrived at between the parties. Possession has been handed over to the allottee and the cheque for an amount of Rs.3,75,483/- has been remitted to her.

3. Learned counsel for the respondent-allottee does not controvert this contention. Photocopy of the cheque has been produced before this Tribunal. Settlement deed and photocopy of cheque issued by the appellant-promoter are taken on record as Mark-‘A’ and Mark-‘B’.

4. In view of the statement made by learned counsel representing both the parties before this Tribunal, no lis survives in this appeal.

5. Learned counsel for the appellant submits that he may be allowed to withdraw the appeal.
6. The present appeal is dismissed as withdrawn.
7. As the matter has been decided on the basis of settlement arrived at between the parties, the amount of Rs.14,95,024/- deposited by the appellant-promoter with this Tribunal as pre-deposit to comply with the proviso to Section 43(5) of the Act, need not to be retained by this Tribunal, same be remitted to the learned Authority for disbursement to the appellant-promoter, along with interest accrued thereon, subject to tax liability, if any, according to law.
8. Copy of this judgment be communicated to both the parties/learned counsel for the parties and the Haryana Real Estate Regulatory Authority, Panchkula.
9. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)

August 29, 2023
Manoj Rana