

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

**Appeal No. 409 of 2022
Date of Decision: 05.09.2023**

Himanshu Saxena, resident of C-59, Deen Dayal Nagar,
Phase-2, Sai Mandir Road, Moradabad

Appellant

Versus

1. M3M India Private Limited registered office at Unit No.SB/C/5L/Office/008 'M3M Urbana', Sector 67, Gurugram 122 102;
2. Cogent Realtors Private Limited, registered office at LGF, F-22, Sushant Shopping Arcade, Sushant Lok, Phase-1, Gurugram 122 002;
3. Haryana Real Estate Regulatory Authority, New PWD Rest House, Civil Lines, Gurugram.

Respondents

CORAM:

| | |
|------------------------|--------------------|
| Justice Rajan Gupta | Chairman |
| Shri Anil Kumar Gupta, | Member (Technical) |

Present: Mr. Manoj Yadav, Advocate,
for the appellant.

Mr. R.D. Gupta, Advocate,
for the respondents.

ORDER:

RAJAN GUPTA, CHAIRMAN (Oral):

The present appeal is directed against order dated
12.12.2019 passed by the Haryana Real Estate Regulatory

Authority, Gurugram (for short 'the Authority') whereby Complaint No.1591 of 2019 filed by the appellant/allottee was disposed of. Operative part thereof reads as under:-

“9. In view of the above discussion the authority pass this order under Section 34(f) of the Act hereby issuing the following directions:

- a) The respondents/allottees shall pay the balance dues/requisite payments requisite payments and take the possession of the subject apartment as per the provisions of Section 19(6), 19(7) and 19(10) of the Act within a period of 30 days;*
- b) The complaints/promoters shall pay the delayed possession charges (DPC) with effect from 29.11.2016 to 25.08.2017 at the prescribed rate of interest of 10.20% per annum to the complainants and shall adjust the said amount towards the final dues to be paid by the respondents;*
- c) The respondents/allottees shall be charged interest at the prescribed rate of interest that is at the rate of 10.20% per annum by the complainants/promoters which is same as is being granted to the respondents/allottees in case of delayed possession.*

10. Complaint stands disposed of.

11. File be consigned to the registry.”

2. Today when the case has been taken up for hearing, at the outset, Mr. R.D. Gupta, learned counsel for the respondent submits that a settlement has been arrived at with the allottee. He has produced copy of the settlement deed. Same is taken on record as mark 'A'.

3. Mr. Manoj Yadav, learned counsel for the appellant does not controvert this submission. He submits that in view of the settlement he may be allowed to withdraw the present appeal.

4. The appeal is dismissed as withdrawn.

5. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)

05.09.2023
Manoj Rana