

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Date of Decision: 03.10.2023

Appeal No.816 of 2022

1. BPTP Ltd. office registered at OT-14, 3rd Floor, Next Door, Parklands Sector-76, Faridabad.
2. Countrywide Promoters Pvt. Ltd. registered at M-11, Middle Circle, Connaught Circus, New Delhi-110001.

Appellant

Versus

Shubhamvada Singh, resident of R-108, Mahalaxmi Nagar, Indore, Madhya Pradesh, 452010, India, second address at Flat no. E-401, BPTP Freedom Park Life, Sector-57, Gurugram-122003.

Appeal No. 817 of 2022

1. BPTP Ltd. office registered at OT-14, 3rd Floor, Next Door, Parklands Sector-76, Faridabad.
2. Countrywide Promoters Pvt. Ltd. registered at M-11, Middle Circle, Connaught Circus, New Delhi-110001.

Appellant

Versus

Gurjeet Kaur Anand resident of H. No. 124, 1st Floor, Narang Colony, Janak Puri, New Delhi, Delhi-110058.

Appeal No. 822 of 2022

BPTP Ltd., registered at OT-14, 3rd Floor, Next Door, Parklands Sector-76, Faridabad.

Appellant

Versus

Praveen Jaiswal resident of R-2/165, Rajnagar, Ghaziabad, Uttarpradesh, India.

Appeal No. 821 of 2022

1. BPTP Ltd. office registered at OT-14, 3rd Floor, Next Door, Parklands Sector-76, Faridabad.
2. Countrywide Promoters Pvt. Ltd. registered at OT-14, 3rd Floor, Next Door, Parklands Sector-76, Faridabad.

Appellant

Versus

Vijay Kumar Jadhav resident of Flat No. 409, F Block, Daffodils Apartments, Hadapsar, Pune, Maharashtra-411028, India.

Appeal No. 233 of 2022

1. BPTP Ltd. office registered at OT-14, 3rd Floor, Next Door, Parklands Sector-76, Faridabad.
2. Countrywide Promoters Pvt. Ltd. registered at M-11, Middle Circle, Connaught Circus, New Delhi-110001.

Appellant

Versus

Prabhat Kumar Mishra resident of Q. No. 157, Sector-4, RK Puram, New Delhi-110022, India.

Respondents

CORAM:

**Justice Rajan Gupta,
Shri Anil Kumar Gupta,**

**Chairman
Member (Technical)**

Present: Shri Hemant Saini, Advocate,
for the appellant.

ORDER:

Rajan Gupta, Chairman (Oral):

This order of ours shall dispose all the five appeals mentioned above filed by BPTP Limited-promoter. Out of these, three appeals bearing nos.816, 817 and 822 of 2022 have arisen out of composite order dated 10.05.2022 passed by the Haryana Real Estate Regulatory Authority, Gurugram (hereinafter called the 'Authority') in complaint No.1407 of 2021 titled as "Shubhamvada Singh vs. BPTP & Anr.", Complaint No.3732 of 2021 titled as "Gurjeet Kaur Anand vs. BPTP & Anr.", Complaint No.2027 of 2021 titled as "Praveen Jaiswal vs. BPTP & Anr." Appeal No.821 of 2022 has arisen out of the order dated 26.04.2022 passed by the Authority at Gurugram in Complaint No.3203 of 2020 titled as "Vijay Kumar Jadhav vs. BPTP & Anr." and appeal no.233 of 2022 has arisen out of the order dated 27.07.2021 passed by the Authority at Panchkula in Complaint No.687 of 2019 titled as "Prabhat Kumar Mishra vs. BPTP & Anr."

2. The appellant has not complied with the proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 despite sufficient opportunity granted to it. On a query being put to Mr. Saini, Advocate, today, he submits that he has instructions to withdraw the appeals.

3. Though, considerable time of this Court has been wasted after having entertaining the appeals, however, in the interests of justice, we accept the prayer made by counsel for the appellant and allow him to withdraw the appeals.

4. The present appeals are dismissed as withdrawn.

5. In case, any part pre-deposit has been made by the appellant, same would be remitted to the Authority alongwith interest accrued thereon. In case, the decree has not been satisfied till now, pre-deposit remitted to the Authority shall form part of the amount of the decree and shall be disbursed accordingly.

6. Needless to observe that in case decree has been fully satisfied, appellant shall be entitled to move appropriate application for withdrawal of the said amount.

7. Certified copies of this order be placed on the record of connected appeals.

8. Copy of this order be forwarded to learned counsel for the parties/parties and the learned Authority.

9. Files be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)

03.10.2023

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