

M/s Sana Realtors Pvt. Ltd.
Vs.
Rakesh Kumar
CM No.1213 of 2023
In Appeal No. 509 of 2022

Present: Mr. Beant Singh Seemar, Advocate
for the appellant.

It appears that appellant has preferred two appeals i.e. Appeals no. 509 of 2022 and 515 of 2022. An amount to Rs. 2,80,000/- was deposited by way of demand draft no. 013482 dated 04.07.2022 in appeal no. 515 of 2022. In the present appeal (Appeal No. 509 of 2022) an amount of Rs. 2,80,000/- was deposited by way of demand draft no. 013483 dated 04.07.2022. Both the appeals came to be dismissed vide separate orders dated 10.04.2023.

As per counsel, refund of Rs. 2,80,000/- was made in Appeal no. 515 of 2022, however, amount of Rs. 2,80,000/- in the instant appeal was not refunded due to some technical error.

In view of the statement made by counsel for the appellant, we sought a report from the Registry. Same reproduce as under:

“Reference orders dated 19.10.2023 passed in CM No.1213 of 2023 in Appeal No.509 of 2022.

In this connection it is submitted that the appellant has deposited Rs.2,80,000/- vide DD No.13483 dated 04.07.2022 in terms of Proviso to Section 43(5) Real Estate (Regulation and Development) Act, 2016.

Report is submitted pleas.”

In view of the above, we hereby direct that aforesaid amount along with interest accrued thereon, be sent to the Ld. Authority for disbursement to the appellant-promoter, subject to tax liability, if any as per law.

This order be tagged with the main file.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)

07.11.2023
Manoj Rana