

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

Appeal No. 370 of 2023  
Date of Decision: 15.11.2023

Puri Construction Private Limited, 4-7 B, Ground Floor, Tolstoy House, 15 & 17 Tolstoy Marg, New Delhi.

Appellant

Versus

1. Vimla Agarwal
2. Anupam Agarwal

Both resident of House No.109, 2<sup>nd</sup> floor, Cedar Crest, Nirvana Country, Sector-50, Gurgaon.

Respondents

**CORAM:**

**Justice Rajan Gupta  
Shri Anil Kumar Gupta**

**Chairman  
Member (Technical)**

Present: Ms. Tanika Goyal, Advocate,  
for the appellant

Mr. Rajat Singh, Advocate,  
for the respondent.

**ORDER:**

**Rajan Gupta, Chairman (Oral):**

There is an application (CM No. 1218 of 2023) for placing on record settlement deed dated 20.09.2023 (Annexure A-14). As per counsel for the appellant, the matter has been amicably settled between the parties. She has referred to para nos. 1 & 2 of the settlement deed in this regard. Same are reproduced hereunder for reference:

1. *“That the Second Party shall withdraw all claims and demands raised in connection with the said unit, on receipt of amount of 1,70,00,000/- (Rupees one Crore Seventy Lakhs only) as refund towards full and final settlement by way of Demand Draft No.528205 dated 19.09.2023 issued in favour of single allottee, “Anupam Agarwal” as per the specific request of Ms. Vimla Agarwal only who is real mother of Mr. Anupam Agarwal. Further the second party shall solely be accountable for the tax liability incurred towards the said refund amount and First Party shall have no role to play on the same. Apart from the said amounts, no amount is due and payable to the Second Party by the First Party.*

2. *That the Second Party shall withdraw the complaint filed by it before HRERA, Gurugram in which order dated 30.05.2023 was passed and against which appeal No.370 of 2023 is pending before Haryana Real Estate Appellate Tribunal, Chandigarh (“HREAT”) and is fixed for 29.09.2023 and/or the parties shall get the appeal disposed off before HREAT in terms of the present settlement. The amounts deposited by the First Party before HREAT while filing appeal shall belong absolutely and entirely to First Party and the same shall be released in favour of First Party.”*

2. Notice of the application was issued to the respondent-allottees. Mr. Rajat Singh, has put in appearance on behalf of the respondent. He admits that the amount of Rs. 1,70, 00,000/- has been received by way of demand draft as full and final settlement of the dispute.

3. Ms. Goyal prays that she may be allowed to withdraw this appeal and the amount of Rs. 2,08,56,497/- deposited with this Tribunal as pre-deposit in view of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 along with interest accrued thereon be refunded to the appellant-promoter.

5. Learned counsel for the respondent has no objection to the above said prayer made by learned counsel for the appellant-promoter.

6. Prayer is accepted.

7. The present appeal is dismissed as withdrawn.

8. The amount of Rs.2,08,56,497/- 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, as per law.

9. Copy of this order be communicated to both the parties/learned counsel for the parties and the Haryana Real Estate Regulatory Authority, Gurugram.

10. File be consigned to the record.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta  
Member (Technical)