

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

Appeal No. 534 of 2022  
Date of Decision: 22.11.2023

Jai Krishna Artec J.V, 8-B, Hansalaya Building, 15, Barakhamba Road, Connaught Place, New Delhi-110001.

Appellant

Versus

Saroj Khemka, 201/A Megh Dhanush Apartment, Sarela Wadi, GhodDod Road, Surat, Gujarat-395007.

Respondent

**CORAM:**

**Justice Rajan Gupta  
Shri Anil Kumar Gupta**

**Chairman  
Member (Technical)**

Present: Ms. Aditi Pundhir, Advocate,  
for the appellant.

Ms. Meenakshi Dogra, Advocate,  
for the respondent.

**ORDER:**

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

Appellant has moved an application (CM No. 1399 of 2023) seeking withdrawal of the appeal on the ground that settlement has been arrived at between the parties. Application is supported by an affidavit of Mr. Ram Kumar Gupta, Authorized Representative of the appellant. Settlement deed is annexed with the application as Annexure A-2.

2. Learned counsel for the appellant submits that possession has been handed over to the respondent-allottee and conveyance deed has been executed yesterday i.e. 21.11.2023.

3. Learned counsel for the respondent does not controvert the aforesaid statement.

4. In view of the above, application (CM No. 1399 of 2023) for withdrawal of the appeal is, thus, allowed.

5. The present appeal is dismissed as withdrawn.

6. As the matter has been decided on the basis of settlement arrived at between the parties, the amount of Rs. 9,72,586/- deposited by the appellant-promoter with this Tribunal as pre-deposit to comply with the proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, need not to be retained by this Tribunal. Same be remitted to the learned Authority for disbursement to appellant-promoter, along with interest accrued thereon, subject to tax liability, if any, as per law.

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

8. File be consigned to the record.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta  
Member (Technical)