

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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Appeal No. 602 of 2022(O&M)  
Date of Decision: 09.01.2024

B.M. Gupta Developers Pvt. Ltd. Regd office at Room No. 2, First Floor, 5948 & 5949, Bati Harphool Singh, Sadar Thana Road, Delhi-110006.

Appellant

Versus

Meenakshi Yadav W/o Sh. Rajesh Kumar Yadav, R/o C-4, Govt. Employees, CGHS, Sector-3, Part-II, Rewari, Haryana-123401.

Respondent.

**CORAM:**

**Justice Rajan Gupta  
Anil Kumar Gupta**

**Chairman  
Member (Technical)**

**Present:** Ms. Navneet Kaur, Advocate,  
for the appellant.

Mr. Neeraj Goel, Advocate,  
for the respondent.

**ORDER:**

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

1. Matter pertains to a direction sought by the complainant for grant of possession as well as Delay Possession Charges (DPC) of a unit situated in the project in the name and style of "Elegant Heights", Sector-26, Rewari. The complainant filed a complaint before the Authority at Panchkula for this purpose. Matter was contested by respondent-builder. It was ultimately disposed of vide order dated 07.04.2022. Operative part thereof reads as under:

*" 4. In view of above, Authority decides to dispose of the matter by granting relief of possession along with delay interest on the paid amount from the deemed date of possession i.e. 26.12.2016 till actual offer of possession i.e.*

*30.03.2021. Account branch of this Authority on calculation of interest @ 9.30 i.e. (SBI highest marginal cost of landing rate plus 2%) as per Rule 15 of HRERA, Rules 2017 has worked out the amount of Rs.18,63,125/- as interest payable to the complainant from deemed date of possession i.e. 26.12.2016 till 30.03.2021.*

*Further, Authority directs respondent to handover possession of the booked unit to the complainant within 30 days from uploading of this order on the website of the Authority. Respondent is also directed to issue fresh statement of account to the complainant. While preparing the statement of receivables and payables, respondent shall adjust an amount of Rs.18,63,125/- assessed by this Authority as amount of delay interest payable to complainant.*

*5. **Disposed of.** File be consigned to record room and order be uploaded on the website of the Authority.”*

2. Today, when the case was taken up for hearing, at the outset, learned counsel for the appellant has apprised this Tribunal that there has been settlement between the parties. She has produced a settlement deed which is duly signed by one of the Directors of the appellant-company as well as the allottee. It also bears signatures of two witnesses. Settlement deed is taken on record as Mark-‘A’.

3. Learned counsel for the appellant, on the instructions from Manjeet Singh (Marketing Manager) of the appellant-company (B.M Gupta Developers Pvt. Ltd.), who is present in Court, submits that no lis now survives in this appeal. She may be allowed to withdraw the same. However, amount deposited in view of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016, at the time of filing the appeal, may be refunded to the appellant along with interest accrued thereon.

4. Learned counsel for the respondent on the instructions from Gopesh Kumar (Brother-in-law of Ms. Meenakshi Yadav-respondent) submits that he has no objection to the aforesaid prayer.

5. Appeal is, thus, dismissed as withdrawn.

6. As the matter has been decided on the basis of settlement arrived at between the parties, the amount of Rs.15,71,236/- 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.

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 records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta  
Member (Technical)

09.01.2024  
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