

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

Appeal No.680 of 2022 (O&M)
Date of Decision:24.01.2024

Pioneer Urban Land and Infrastructure Limited, registered office at
Pioneer Square, 2nd Floor, Near Golf Course Extension Road,
Sector-62, Gurugram Haryana.

Appellant-Promoter.

Versus

1. Ashish Bhandari.
2. Anshuma Bhandari

Both residents of Flat No.1522A, The Mangolias DLF Golf
Course Road, Phase-5, Gurugram, Haryana 121007.

Respondents-allottees

CORAM:

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

**Chairman
Member (Technical)**

Present: Mr. Saifuddin Shams, Advocate,
for the appellant-promoter.

Ms. Jatinder Kaur, Advocate
for the respondents-allottees.

ORDER:

Rajan Gupta, Chairman (Oral):

On 06.10.2023, when this appeal came up for hearing before this Tribunal, it was stated that the earnest efforts had been made by the parties to settle the matter amicably. We had, thus, directed the Haryana Real Estate Regulatory Authority at Gurugram (for short, the Authority below) to depute a responsible officer to oversee the process of amicable settlement between the parties and, in case, any

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settlement is arrived at between them, same be reduced into writing and produced before this Tribunal.

2. Today, a report has been received from the Authority below, which is signed by Registrar-cum-AO (P), HARERA, Gurugram. A copy of the Memorandum of Settlement has been attached along with the aforesaid report. In the said report, order dated 02.01.2024 passed by the Authority below has been referred to. Relevant part of the order reads as under:

“The counsel of both the parties state at bar that matter has been amicably settled between the parties and a copy of settlement deed dated 20.12.2023 has been placed on record. Therefore, in view of the above settlement deed, the matter is disposed off. The registrar of the authority to intimate the status alongwith copy of settlement deed to the Hon’ble Appellate Tribunal in reference to orders dated 06.10.2023. Thereafter, the file be consigned to the registry.”

3. In view of above, learned counsel for the appellant-promoter submits that he may be allowed to withdraw the instant appeal. However, the amount deposited at the time of filing of this appeal in terms of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 be refunded to the appellant-promoter along with interest accrued thereon.

4. Learned counsel for the respondent-allottees has no objection to this.

5. In view of the above, the 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

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Rs.1,03,97,120/- deposited by the appellant-promoter with this Tribunal as pre-deposit in terms of proviso to Section 43(5) of the Act, along with interest accrued thereon, be remitted to the learned Authority for disbursement to the appellant-promoter, subject to tax liability, if any, according to law.

7. Copy of this order be communicated to the parties/learned counsel for the parties and Authority below.

8. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)

24.01.2024
Manoj Rana