

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

Appeal No.431 of 2021

Date of Decision:14.03.2024

Emaar India Ltd. Registered Office: 306-308,
Squareone, C 2, District Centre, Saket, New Delhi-
110017

Corporate Office: Emaar Business Park, MG Road,
Sikanderpur, Sector 28, Gurugram-122002.

Appellant/Promoter

Versus

1. Dr. Ashok Kumar Vaid;
2. Mrs. Subhyata Gupta, both R/o C2/801,
Uniworld City, Sector 30, Gurugram (Haryana)

Respondent/allottees

CORAM:

Justice Rajan Gupta

Chairman

Present:

Mr. Kunal Dawar, Advocate along with
Ms. Tanika Goyal, Advocate
for the appellant.

Dr. Ashok Kumar Vaid, one of the
respondents along with
Mr. Sagar Chawla, Advocate,
Mr. Sartaj Singh Gill, Advocate,
for the respondents.

ORDER:

Rajan Gupta, Chairman (Oral):

Learned counsel for the parties have addressed at
some length.

2. Admittedly, at a particular stage of the hearing of
the appeal, the parties had shown their willingness to explore
the possibility of amicable settlement of the matter leaving aside
the technicalities. As a result, thereof, possession was also
handed over to the allottees on 23.06.2023. However, thereafter

Appeal No. 431 of 2021

on 12.12.2023 an Affidavit dated 08.12.2023 was filed by Dr. Ashok Kumar Vaid stating that the matter be heard on merits.

3. The matter remained pending due to adjournments sought by the parties on one ground or the other including change of counsel on behalf of the appellant-company at the stage of arguments.

4. Today, Dr. Ashok Kumar Vaid, one of the respondents is present in Court.

5. Learned counsel are ad idem that if this Bench does not touch the technical questions, only issue that survives is monetary in nature i.e. the amount payable by the appellant-promoter as Delay Possession Charges (DPC).

6. Dr. Ashok Kumar Vaid, submits that in case lump sum amount of ₹47,62,000/- towards Additional Compensation is paid by the appellant-company to him and 50% of the CAM charges due as on date are waived off, it shall be acceptable to him and appeal can be disposed of.

7. Mr. Dawar has sought instructions in this regard from the appellant-company. He submits that a Demand Draft of ₹47,62,000/- shall be remitted in the name of Dr. Ashok Kumar Vaid- Respondent(s) within two weeks from today and 50% of the CAM charges (payable as on date) shall be waived off. He states that in view of the this offer, which is acceptable to the allottees, there is no need for him to press the issue of novation.

8. Both learned counsel for the parties submit that the settlement may be treated as full and final settlement of all

Appeal No. 431 of 2021

claims towards each other. Their respective statements are taken on record as Mark-‘A’ and Mark-‘B’.

9. In view of the statements made by the counsel for the appellant- company, the necessity of deciding the issue of novation is obviated. Needless to observe that this order having been passed on the basis of settlement, would not operate as precedent.

10. The appeal is disposed of in the aforesaid terms.

11. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

14.03.2024
Manoj Rana