

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

**Appeal No.408 of 2023 (O&M)
Date of Decision: 18.03.2024**

JMD Limited Registered office at 6, Devika Towers, Upper Ground
Floor, Nehru Place, New Delhi-110019.

Appellant

Versus

Aditya Karwa, Resident of Anand Vihar, 6-A, New Fatehpura,
Udaipur-313001.

Respondent

CORAM:

Justice Rajan Gupta

Chairman

Present: Mr. Yashvir Singh Balhara, Advocate,
for the appellant.

None for the respondent.

ORDER:

RAJAN GUPTA, CHAIRMAN (ORAL):

This is an application moved by the appellant-promoter for withdrawal of the present appeal in view of the Settlement Agreement dated 03.01.2024; besides a prayer for refund of the pre-deposit amount has been made.

2. At the outset, Mr. Balhara has referred to Settlement Agreement dated 03.01.2024, perusal of which shows that it bears the signatures of the Authorised Signatory of the appellant-promoter and respondent-allottee. He submits that as per agreement, appellant-promoter has remitted a sum of Rs.15,58,105/- to the allottee by way of three separate cheques. He has referred to the cheques in question which are stated to have been duly received by the allottee-Aditya Kumar Karwa. The application be numbered and documents be taken on record.

3. None has put in appearance on behalf of the respondent-allottee to controvert the statement made by counsel for the appellant.

4. Since, it appears that no contentious issue is now involved, therefore, application for withdrawal of the appeal deserves to be allowed.

5. Order accordingly.

6. As a lump sum amount of Rs.15,58,105/- stated to have been remitted to the respondent-allottee, learned counsel for the appellant prays that the pre-deposit amount be refunded to the appellant-promoter.

7. In view of above, the amount of Rs.15,13,356/- deposited by the appellant with this Tribunal at the time of filing of this appeal 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 of the same to the appellant, subject to tax liability, if any, according to law.

8. Copy of this order be forwarded to the parties, their counsel and the Authority below.

9. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

18.03.2024
Manoj Rana