

**BEFORE THE HARYANA REAL ESTATE APPELLATE  
TRIBUNAL**

---

Appeal No. 162 of 2023  
Date of Decision: 13.02.2024

M/s Pareena Infrastrucgture Private Limited, Flat No. 02, Palam  
Apartments, Plot No. 13B, Sector-06, Dwarka, New Delhi-110075.  
Appellant

Versus

Vishwas Kumar, R/o 43, Indrapuri Manas Nagar Krishna Nagar  
Lucknow.

Respondent

**CORAM:**

**Justice Rajan Gupta  
Shri Anil Kumar Gupta**

**Chairman  
Member (Technical)**

Present: Mr. Anand Kumar Bishnoi, Advocate,  
for the appellant.

Mr. Raj Kumar, Advocate,  
for the respondent.

**ORDER:**

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

Learned counsel for the appellant, at the outset, submits that the matter has been amicably settled between the parties. He has produced settlement deed. Same is taken on record as Mark-‘A’.

2. A perusal of the “Settlement Deed” shows that same is signed by one of the Directors of the appellant-company as well as the respondent-allottee.

3. In view of above, learned counsel for the appellant submits that he may be allowed to withdraw this appeal. He further submits that 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 may be refunded to the appellant-promoter along with interest accrued thereon.

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

5. In view of above, the appeal is hereby dismissed as withdrawn.

6. As the matter has been decided on the basis of settlement arrived at between the parties, the amount of Rs.1,68,028/- 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. The Authority, however, shall be at liberty to call upon the respondent-allotee and record his no objection before refunding the amount in question.

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

9. Files be consigned to the records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta  
Member (Technical)

13.02.2024  
Rajni