

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 274 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

Saurabh Kumar, G-231, Village Jharsa, Near PNB Bank, Gurugaon, Haryana-122001.

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.

O R D E R:

Rajan Gupta, Chairman (Oral):

Learned counsel for the appellant, at the outset, submits that the matter has been amicably settled between the parties before the Adjudicating Officer. He has produced a copy of the order dated 18.08.2023, which is taken on record as Mark-‘A’. relevant part thereof reads as under:-

“Matter has been settled. An application has also been filed in this regard with a prayer to withdraw the complaint. Request is allowed. Complaint is dismissed as withdrawn, being settled.

File be sent to the records.”

2. 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 by the appellant 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 appellant-promoter along with interest accrued thereon.

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

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 In view of above, the appeal is dismissed as withdrawn.

5. As the matter has been decided on the basis of settlement arrived at between the parties, the amount of Rs. 1,60,989/- 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.

6. The Authority, however, shall be at liberty to call upon the respondent-allotee and record his no objection before refunding the amount in question.

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

8. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)

13.02.2024
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