

**BEFORE THE HARYANA REAL ESTATE APPELLATE  
TRIBUNAL**

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**Appeal No. 720 of 2022**

**Date of Decision: 15.05.2024**

M/s Experion Developers Private Ltd. Registered office at F-9, 1<sup>st</sup> Floor, Manish Plaza-I, Plot No.7, MLU Sector 10, Dwarka, New Delhi-110075.

Appellant/Promoter

Versus

1. Vivek Radhu;
2. Anjana Radhu, both R/o 12-B, Oak Drive, DLF Chatarpur Farms, New Delhi-110075.

Respondent/allottees

**CORAM:**

Justice Rajan Gupta

Chairman

**Present:**

Mr. Kamaljeet Dahiya, Advocate  
for the appellant.

Mr. Vivek Radhu, one of the respondents in person along with Mr. Shubhnit Hans, Advocate.

**ORDER:**

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

Present appeal is directed against order dated 14.07.2022 passed by the Authority. Operative part whereof reads as under:

*“i) the respondent/promoter is directed to return the amount of Rs.65,23,118/- after deducting 10% earnest money of the total sale consideration along with interest at the rate of 9.70% p.a. from the date of cancellation till the actual date of refund of that amount.*

*ii) A period of 90 days is given to the respondent to comply with the directions given in this order and failing which legal consequences would follow.”*

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2. The appellant-promoter (M/s Experion Developers Private Limited) preferred an appeal before this Tribunal against the aforesaid order and made a pre-deposit of Rs.66,70,174/-.

3. Appeal was taken up for hearing on various dates. On 14.03.2024, the parties expressed their willingness to explore the possibility of amicable settlement. Again, the matter came up for hearing on 04.04.2024. This Bench has been informed that earnest efforts were being made by both the parties to settle the matter amicably. Thereafter, on 29.04.2024, statement was made before this Bench, which reads as under:

*“At the outset, Mr. Dahiya submits that in light of order dated 14.03.2024; the matter has been amicably settled between the parties. It has been decided to remit Rs. 60,00,000/- to the allottees in lieu of full and final settlement of all their claims. Demand Draft/cheque for this amount shall be brought before this Tribunal within two weeks from today. He states that in such eventuality, the pre-deposit amount in terms of Section 43(5) of the Real Estate (Regulation and Development) Act, 2016, be returned to appellant-promoter along with interest accrued thereon.*

*Mr. Shubhnit Hans, on instructions from Mr. Vivek Radhu, one of the allottees (who is present in Court), submits that they have no objection to aforesaid proposal. Settlement-deed is taken on record.*

*To come upon 15.05.2024 for further proceedings.”*

4. Today, the matter has been taken up for hearing, Mr. Dahiya has produced an amended copy of the ‘Settlement Agreement’, which is acceptable to counsel for the respondent. Settlement Agreement is taken on record as Mark ‘A’. A Demand

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Draft bearing no.049886 dated 09.05.2024 amounting to Rs.60,00,000/- has been handed over to Mr. Vivek Radhu, one of the respondents, who is present in Court, as full and final settlement of all claims of both the respondent-allottees i.e. Vivek Radhu and his wife, namely, Anjana Radhu. Photocopy of the Demand Draft is taken on record as Mark-'B'. Mr. Vivek Radhu has made a statement in this regard, same is taken on record as Mark-'C'.

5. Mr. Dahiya submits that he may be allowed to withdraw the present appeal.

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

7. As the matter has been decided on the basis of settlement arrived at between the parties, the amount of Rs.66,70,174/- 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.

8. The Authority shall endeavour to refund the amount to the appellant-promoter as expeditiously as possible.

9. File be consigned to the records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

15.05.2024  
Manoj Rana