

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

**Appeal No.621 of 2023 (O&M)**  
**Date of Decision: 20.05.2024**

Apex Buildwell Pvt. Ltd. registered office at 14A/36, WEA Karol Bagh, New Delhi 110 005.

Appellant/Promoter

Versus

Ram Avtar Maheshwari, resident of Kothi No.1222, Sector 15, Part-2, Gurugram Haryana.

Respondent/allottee

**CORAM:**

Justice Rajan Gupta Chairman

Present: Ms. Tanya Kanwar, Advocate along with  
Mr. Yashvir Singh Balhara, Advocate,  
for the appellant.

**ORDER:**

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

Present appeal is directed against the order dated 28.02.2023 passed by the Adjudicating Officer, HRERA, Gurugram directing issuance of recovery certificate.

2. At the time of filing of the appeal, condition of pre-deposit as contained in proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016, needs to be complied with. However, certain amount was deposited, there being deficit of Rs.9,741/-.

3. In view of above, it is evident that the appeal cannot be entertained.

4. Learned counsel for the appellant submits that settlement has been arrived at between the parties. Copy whereof has been produced by learned counsel for the appellant.

5. This Bench does not intend to express any opinion on the settlement, if any, between the parties as the appeal itself cannot be entertained. Dismissed as such.

6. The amount of Rs.10,85,022/-, though deficit in nature, cannot be retained by this Tribunal. It is, thus, directed that the same be remitted to the Authority below for disbursement to the appellant-promoter, subject to tax liability, if any, as per law.

7. File be consigned to records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

20.05.2024  
Manoj Rana