



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

SUO-MOTU COMPLAINT NO. 927 OF 2024

HRERA Panchkula

....COMPLAINANT

VERSUS

BM Gupta Developers Pvt. Ltd.

....RESPONDENTS

CORAM: Parneet Singh Sachdev	Chairman
Nadim Akhtar	Member
Dr. Geeta Rathee Singh	Member
Chander Shekhar	Member

Date of Hearing: 08.08.2024

Hearing: 2nd

Present: - Ms. Navneet, respondent through VC.

ORDER : (PARNEET S SACHDEV- CHAIRMAN)

1. Captioned complaint was filed by the respondent for refund of pre-deposit amount of ₹15,71,236/- received from Haryana Real Estate Appellate Tribunal pursuant to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.

2. Respondent in present complaint was also the respondent in a complaint before the Authority bearing complaint no. 1159 of 2021 titled as “Mrs. Meenakshi Yadav Chauhan v. BM Gupta Developers Pvt. Ltd.”, wherein complainant prayed for relief of possession along with delay interest. Authority heard the case and granted relief of possession along with delay interest amounting to ₹18,63,125/- . Thereafter, the respondent BM Gupta Developers Pvt. Ltd went into appeal before the Hon’ble Haryana Real Estate Appellate Tribunal.

Hon’ble Tribunal vide order dated 09.01.2024 has ordered that as the matter has been settled between the parties, the amount of Rs. 15,71,236/- deposited by the appellant promoter with this Tribunal as pre-deposit to comply with the proviso to section 43(5) of the Real Estate (Regulation and development) Act, need not to be retained by this Tribunal. Same be remitted to the Id. Authority for disbursement to appellant-promoter, along with interest. Relevant part of the said order is reproduced below for reference: -

*“...“As the matter has been decided on the basis of settlement arrived at between the parties, the amount of Rs. 15,71,236/- deposited by the appellant promoter with this Tribunal as pre-deposit to comply with the proviso to section 43(5) of the Real Estate (Regulation and development) Act, need not to be retained by this Tribunal. Same be remitted to the Id. Authority for disbursement to **appellant-promoter**, along with interest accrued thereon, subject to tax liability, if any, as per law”*



3. Therefore, present complaint is disposed of with direction to the office to disburse the amount of Rs. 15,71,236/- with interest to respondent, within 7 days.
4. The complaint is disposed of accordingly. File be consigned to record room.



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PARNEET S SACHDEV
[CHAIRMAN]



.....
NADIM AKHTAR
[MEMBER]



.....
DR. GEETA RATHEE SINGH
[MEMBER]



.....
CHANDER SHEKHAR
[MEMBER]