

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.687 of 2023 (O&M)
Date of Decision: 02.08.2024

Ansal Phalak Infrastructure Pvt. Ltd. (now known as New Look Builders and Developers Pvt. Ltd.) registered office at First Floor, The Great Eastern Centre, 70, Nehru Place, Behind IFCI Tower, New Delhi 110019

Appellant

Versus

Anuradha Shukla through her SPA Holder, Shri Neeraj Grover, resident of C-402, Kamroon Court, Sushant Lok-1, Gurugram.

Respondent

CORAM:

Justice Rajan Gupta

Chairman

Present: Mr. Arman Gagneja, Advocate,
for the appellant

ORDER:

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against the order dated 10.08.2022 passed by the Authority at Gurugram. Operative part whereof reads as under:-

“F. Directions of the Authority:

22. Hence, the Authority hereby passes this order and issue the following directions under Section 37 of the Act to ensure compliance of obligations cast upon the promoters as per the functions entrusted to the Authority under Section 34 (f) of the Act, 2016.

i) The respondent/promoter is directed to refund the amount i.e. Rs.40,00,000/- received by it from the complainants along with interest at the rate of 9.80 % p.a. as prescribed under rule 15 of the Haryana Real

Appeal No.687 of 2023

Estate (Regulation and Development) Rules, 2017 from the date of each payment till the actual date of refund of the deposited 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.

23. Complaint stands disposed of.”

2. After the Appeal was filed, following objections were raised by the Registry:-

(i) “Scanned copy of the appeal has not been supplied.

(ii) Check list is not attached with the Appeal.

(iii) E-mail ID and contact number of the appellant has not been mentioned in the Appeal.

(iv) Calculation sheet has not been attached with the Appeal. However, the appellant-promoter has deposited an amount of Rs.25,31,140/- in this Tribunal.”

3. In response thereto, no steps had been taken by the appellant to remove the aforesaid objections.

4. As per report from the Registry, complete pre-deposit has not been made in this appeal by the appellant-promoter.

5. On the last date of hearing, the following order was passed in this case:-

“Mr. Armaan Gagneja, Advocate, has put in appearance on behalf of the appellant and filed Power of Attorney. He submits that he shall be representing the appellant henceforth. He further submits that settlement has been arrived at between the parties. Copy thereof has been produced.

Respondent to file an affidavit about the veracity of the claim made by promoter on or before the next date of hearing.

List on 02.08.2024.”

Appeal No.687 of 2023

6. Pursuant to the aforesaid order, today an affidavit of Mr. Neeraj Grover Special Power of Attorney Holder of Anuradha Sinha-respondent has been filed. Same is taken on record.

7. Learned counsel for the appellant submits that as the matter has been settled between the parties, he may be allowed to withdraw the present appeal.

8. Needless to observe that even otherwise present appeal cannot be entertained as complete pre-deposit in terms of proviso to Section 43(5) of the RERA Act as calculated by the Registry has not been made.

9. Prayer of the appellant is accepted.

10. Appeal is hereby dismissed as withdrawn. Besides, it cannot be entertained in view of non-compliance of proviso of Section 43(5) of the RERA Act.

11. In view of above, the amount of Rs.25,31,140/- deposited by the appellant-promoter with this Tribunal at the time of filing of this appeal along with interest accrued thereon, be remitted to the learned Authority for disbursement of the same to the appellant-promoter, subject to tax liability, if any, according to law.

12. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

02.08.2024
Manoj Rana