

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

**Appeal No.71 of 2022**

**Date of Decision: 13.11.2024**

Emaar India Limited (Formerly known as Emaar MGF Land Ltd.), 306-308, 3<sup>rd</sup> Floor, Square One, C-2, District Centre, Saket, New Delhi-110017, also at Emaar Business Park, MG Road, Sikanderpur Chowk, Sector-28, Gurugram-122002, Haryana through its Authorized Representative Sayantan Mondal, aged 33 years S/o S.N. Mondal.

Appellant.

Versus

Ravinder Kumar Saraogi son of Kedar Mal Saraogi, resident of # Maharana Pratap Chowk, Ward No. 3, Sadulpur, District Churu-331023, Rajasthan

Respondent.

**CORAM:**

**Justice Rajan Gupta**

**Chairman**

Present: Ms. Tanika Goyal, Advocate for the appellant.  
Mr.Shubnit Hans, Advocate for the respondent.

**O R D E R:**

**RAJAN GUPTA, CHAIRMAN (ORAL):**

The present appeal is directed against the order dated 12.08.2021, passed by the Authority<sup>1</sup>, whereby the

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<sup>1</sup> Haryana Real Estate Regulatory Authority, Gurugram

promoter-appellant was directed to pay DPC<sup>2</sup> to the allottee-respondent along with interest.

2. Aggrieved, the appellant-Emaar India Limited filed the appeal raising various pleas before this Tribunal.

3. Today, when the case was taken up for hearing, at the out-set, Ms. Tanika Goyal, Advocate submits that a settlement has been arrived at between the parties. She seeks to place on record Settlement Deed along with the cheque. The document is taken on record as mark 'A'.

4. Mr. Shubnit Hans, counsel representing the respondent, does not controvert the aforesaid statement. He submits that he has perused the Settlement Deed. The same is duly signed by the allottee-Ravinder Kumar Saraogi. He further submits that he has no objection if the amount deposited by the appellant by way of pre-deposit be refunded to it.

5. In view of the above, counsel for the appellant submits that she may be allowed to withdraw this appeal and the pre-deposit made at the time of filing the appeal be refunded along with interest accrued thereon.

6. Dismissed as withdrawn.

7. As the matter has been disposed of on the basis of settlement arrived at between the parties, the amount of Rs.46,03,030/- deposited by the appellant-promoter with this Tribunal as pre-deposit in terms of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 along with

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<sup>2</sup> Delayed Possession Charges

interest accrued thereon be remitted to the learned Authority for disbursement to the appellant-promoter subject to tax liability, according to law.

8. Needless to observe that as the matter has been decided on the basis of settlement, it would not operate as a precedent.

9. File be consigned to the record.

Justice Rajan  
Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

13.11.2024  
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