

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

Appeal No.441 of 2023 (O&M)  
Date of Decision: 04.10.2024

Orchid Infrastructure Developer Pvt. Ltd. through its Authorised Signatory, Ajay Goel, registered office at Level-II, Global Arcade, Mehrauli-Gurgaon Road, Gurugram 122002.

...Appellant/Promoter

Versus

1. Mani Singhal, resident of 101/15, Jacompura, near Hari Sweets, Opposite Dr. Grover Clinic, Gurugra,

...Respondent

2. Perfect Facilities Management Pvt. Ltd. registered office at Level-II, Global Arcade, Mehrauli-Gurgaon Road, Gurugram 122002.

3. Sheetal International Pvt. Ltd. registered office at G-81/A, 2nd Floor, Vijay Chowk, Laxmin Nagar, Delhi

...Pro forma respondents

**CORAM:**

**Justice Rajan Gupta**

**Chairman**

Present: Mr. Yashpal Sharma, Advocate,  
for the appellant.

None for the respondents.

**O R D E R:**

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

Mr. Sharma seeks to place on record an affidavit of Mr. Ajay Goel, Authorised Signatory of the appellant-company. The same is taken on record. Paras 3 & 4 thereof read as under:-

*“3. That accordingly, the deponent, on behalf of the Appellant, is supplying about the total amount of IFMS charged by the Appellant/promoter. Respondent No.1 had paid a total amount of Rs.1,19,250/- as IFMS. Of the said amount, Rs.98,643/- has been transferred by the Appellant to Respondent No.2 on 01.04.2018 on account of outstanding maintenance charges. During*

*the pendency of the present appeal, the parties had settled the matter vide Deed of Settlement dated 19.04.2024, a copy whereof is annexed hereto as Annexure A/1. Vide the said Deed of Settlement, Respondent No.1 had inter alia agreed to pay the outstanding amount of Rs.3,26,811/- towards maintenance dues to Respondent No.2. Upon receipt of the said outstanding maintenance amount, Respondent No.2 transferred back to the Appellant the IFMS amount of Rs.98,643/- which was transferred to Respondent No.2 on 01.04.2018 on account of outstanding maintenance charges. As such, the total amount of IFMS paid by the Respondent No.1 is Rs.1,19,250/-*

4. *That it may be mentioned here that matter before the NCDRC bearing Consumer Case No.110 of 2020; Orchid Island Resident Welfare Association versus Orchid Infrastructure Developers Pvt. Ltd. and Others, statedly on issues of levy of VAT amount, maintenance charges and transfer of IFMS is pending before the NCDRC and is next listed for 22.01.2025. Further, it is pertinent to mention that there remains an outstanding amount in respect of maintenance of Rs.10,70,52,981/- along with interest and VAT amount of Rs.47,13,800/- along with interest due from various allottees who are members of the Resident Welfare Association and various issues relating to the same are pending before the NCDRC.”*

2. Mr. Sharma submits that the issue as regards the levy of VAT amount, maintenance charges and transfer of IFMS are likely to be decided in due course.

3. In the instant appeal, however, appellant-promoter has entered into a settlement with the allottee. As per him, deed of settlement is annexed with the affidavit as Annexure A-1. He submits that allottee is fully satisfied with the settlement arrived at him and the the appellant-company.

4. In view of this statement, no *lis* survives in this appeal.
5. Appeal is hereby disposed of as having been rendered infructuous.
6. File be consigned to the records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

04.10.2024  
Manoj Rana