

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.41 of 2022**Date of Decision: 14.11.2024**

Emaar India Limited (Formerly known as Emaar MGF Land Ltd.), 306-308, 3rd 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

1. Richa Rana;
2. Harendra Singh Rana

Both are resident of #412-416, Carate Blanche Solutions Pvt. LTd., 4th Floor, Tower B-4, Spaze Itech Park, Sector 49, Sohana Road, Gurugram (Haryana) 122018.

Respondents.

CORAM:**Justice Rajan Gupta****Chairman**

Present: Mr. Kunal Dawar, Advocate, along with
Ms. Tanika Goyal, Advocate,
Mr. Mayank Aggarwal, Advocate,
Ms. Ankita Chaudhary, Advocate,
for the appellant.

Mr. Harendra Singh Rana-Respondent No.2 in person.
(joined through VC).

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

The present appeal is directed against the order dated 12.08.2021, passed by the Authority¹, whereby the

¹ Haryana Real Estate Regulatory Authority, Gurugram

promoter-appellant was directed to pay DPC² etc. to the allottees-respondents 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, Mr. Kunal Dawar, Advocate submits that a settlement has been arrived at between the parties. He seeks to place on record Settlement Deed. Same is taken on record as Mark-‘A’.

4. Mr. Harendra Singh Rana-Respondent No.2, who has joined the proceedings through VC, does not controvert the aforesaid statement. He submits that he has perused the Settlement Deed and he is fully satisfied with the same. Settlement Deed is duly signed by both the respondents-allottees. He further submits that he has no objection, if the amount deposited by the appellant by way of pre-deposit, be refunded to it along with interest accrued thereon. He has also furnished his copy of Aadhar Card for the purpose of verification, which is taken on record as Mark-‘B’.

5. In view of the above, counsel for the appellant submits that he 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 Dismissed as withdrawn.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

² Delay Possession Charges

Rs.33,77,647/- deposited by the appellant-promoter with this Tribunal as pre-deposit in terms of proviso to Section 43(5) of the RERA Act³ along with 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

14.11.2024
Manoj Rana

³ Real Estate (Regulation and Development) Act, 2016.