

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.266 of 2024**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. Urvashi Talwar;
2. Sonal Kumar

Both are resident of House No.1069, Sector 15-B, Chandigarh 160015.

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.

Ms. Urvashi Talwar-Respondent No.1 in person.
(joined through VC).

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

The present appeal is directed against the order dated 05.09.2023, passed by the Authority¹, whereby the

¹ Haryana Real Estate Regulatory Authority, Gurugram

promoter-appellant was directed to pay DPC² 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. Ms. Urvashi Talwar-Respondent No.1, who has joined the proceedings through VC, does not controvert the aforesaid statement. She submits that she has perused the Settlement Deed and she is fully satisfied with the same. Settlement Deed is duly signed by both the respondents-allottees. She further submits that she has no objection, if the amount deposited by the appellant by way of pre-deposit, be refunded to it along with interest accrued thereon. She has also furnished her 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 Dismissed as withdrawn.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.2,57,74,828/- 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.