

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 302 of 2024
Date of Decision: 28.11.2024

Emaar India Limited (formerly known as Emaar MGF Land Limited), 306-308, 3rd floor, Square One, C-2, District Centre, Saket, New Delhi-110017

Second address Emaar Business Park, MG Road, Sikanderpur, Sector-28, Gurugram-122002, Haryana,

Appellant/Promoter

Versus

1. Krishan Kumar Radhu ;
2. Aashima Dhingra;

Both Residents of D-828, New Friends Colony, New Delhi, 110025.

Respondents

CORAM:

Justice Rajan Gupta

Chairman

Present: Ms. Tanika Goyal, Advocate,
for the appellant.

ORDER:

Rajan Gupta, Chairman (Oral):

Learned counsel for the appellant, at the outset, submits that she has instructions to withdraw this appeal in view of the settlement arrived at between the parties. She seeks to place on record a copy of the settlement deed. Same is taken on record. Even otherwise, appeal cannot be entertained as registry has raised certain objections. It appears that appellant has not made complete pre-deposit in terms of proviso to Section 43(5) of the RERA Act.

2. In view of above, Ms. Goyal prays that she may be allowed to withdraw the present appeal. She further submits that the amount deposited by the appellant-company at the time of filing of this appeal, which is deficit in nature, may be remitted to it along with interest.

3. Appeal is hereby dismissed as withdrawn.

4. The amount of Rs.2,38,32,548/-, though deficit in nature, cannot be retained by this Tribunal. It is, thus, directed that the same be remitted to the Authority below along with interest accrued thereon for disbursement to the appellant-promoter, subject to tax liability, if any, as per law.

5. It shall be ensured that:

(a) a report regarding remission of the amount to the Authority be submitted by the Registry of this Tribunal at the earliest, in any case, not later than three weeks from today;

(b) both parties would appear before an official, to be nominated by the Chairman of the Authority, on 13.01.2025 who shall release the amount so remitted by the registry after due verification; and

(c) in the eventuality, any clarification is required, the parties shall be at liberty to move application in this respect.

6. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

28.11.2024
Manoj Rana