

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

**Appeal No.885 of 2022
Date of Decision: 20.02.2025**

Landmark Apartments Pvt. Ltd., Plot No. 65, Sector 44,
Gurugram, Haryana.

Appellant

Versus

Mr. Sanjay Thareja resident of Flat No. 22 First Floor
Sector 11C Faridabad, Haryana.

Respondent

CORAM:

**Justice Rajan Gupta
Shri Rakesh Manocha**

**Chairman
Member (Technical)**

Present: Mr. Yashvir Singh Balhara, Advocate,
for the appellant

Respondent in person along with
Mr. Tarun Tripathi, Advocate.

ORDER:

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against order dated 12.08.2022 passed by the Authority¹ at Panchkula. Learned counsel submit that as per the impugned order the promoter was directed to refund the entire amount of Rs.45.50 odd with interest remitted by the allottee to the promoter.

2. Aggrieved by the aforesaid order, the promoter (Landmark Apartments Pvt. Ltd.) preferred the instant appeal along with the pre-deposit amount of Rs.66,76,805/- in terms of proviso to Section 43(5) of the RERA Act².

4. Today, when the case has been taken up for hearing, learned counsel have informed that a settlement has been arrived

¹ Haryana Real Estate Regulatory Authority at Panchkula

² Real Estate (Regulation and Development) Act, 2016

at between the parties. As per the agreement, both the parties have agreed that lump sum amount of Rs. 45.50 lacs would be payable to the allottee in lieu of full and final settlement of all his claims. Allottee, who is present in Court, has made a statement in this regard, which is taken on record as mark-'A'. Learned counsel for the appellant has also made a statement, which is taken on record as Mark-'B'.

5. In view of above, no *lis* survives in this appeal. Mr. Balhara submits that he may be allowed to withdraw the same. He further submits that the pre-deposit amount made at the time of filing of this appeal may be refunded to the appellant-company along with interest accrued thereon. Learned counsel for the respondent does not oppose the aforesaid statement.

6. Appeal is dismissed as withdrawn.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.66,76,805/- deposited by the appellant-promoter with this Tribunal as pre-deposit in terms of proviso to Section 43(5) of the RERA Act along with interest accrued thereon be remitted to the learned Authority for disbursement to the appellant-promoter subject to tax liability, if any, as per law.

8. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)
Joined through VC

20.02.2025
Rajni