

M/s Avalon Projects and others
Vs.
Philip James and others
CM No.223 of 2024
In Appeal No. 134 of 2019

Present: Ms. Neha Singh, Advocate
for the appellants.

Instant application has been moved for modification/rectification of order dated 29.08.2019 passed by the Predecessor Bench of this Tribunal.

Learned counsel for the appellant submits that while disposing of the case, amount was remitted to the authority. However, it was not made clear who is entitled to the said amount. Relevant paras is reproduce hereunder for ready reference:-

“7. The amount deposited by the appellants/promoter with this Tribunal be transferred to the account of the learned Real Estate Regulatory Authority, Panchkula. Copy of this order be communicated to the Learned Real Estate Regulatory Authority, Panchkula.

8. File be consigned to records.”

As per her, amount of pre-deposit needs to be returned to the appellant-company. However, vide order dated 16.02.2024, the appellant-company has gone into Corporate Insolvency Resolution Process (CIRP). She submits that an Interim Resolution Profession (IRP) has been appointed and a moratorium has been declared. Consequently, the appellant-company is no longer in a position to claim the refund. She submits that she may be allowed to withdraw this application with liberty to seek revival of the same in case there is any change of circumstances.

Dismissed as withdrawn with aforesaid liberty.

File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)
joined through VC)

05.03.2025
Rajni