

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

**Appeal No.423 of 2024 (O&M)
Date of Decision: 24.04.2025**

M/s Ashiana Realtech Pvt. Ltd. now known as Movish Realtech Pvt. Ltd.
registered office at KD-162, pitampura, Delhi 34 110034

Appellant

Versus

1. Usha Singh;
2. Laxman Singh Dhillon both are resident of H.No.6, FF, Rathi Niwar, Ashok Vihar, PH-3, Extn. Block-A, Main Gali, Adjacent to 6-10 shop, Gurgaon 122001

Respondents

CORAM:

Justice Rajan Gupta Chairman
Shri Rakesh Manocha Member (Technical)

Present:

Mr. Kamal Jeet Dahiya, Advocate along with
Ms. Navneet Kaur, Advocate,
for the appellant.

ORDER:

RAJAN GUPTA, CHAIRMAN (ORAL) :

On the last date of hearing, the following order was
passed in this case:

*As per Ms. Kaur, requisite pre-deposit in terms of
proviso to Section 43(5) of the RERA Act has been made.
She prays for some time to prepare the case and address
arguments.*

*On her request, the case is adjourned to 24.04.2025.
OSD (J) to verify whether amount of pre-deposit
complies with Section 43(5) of the Act.*

*Photocopy of this order be placed in files of Appeal
nos. 423 & 433 of 2024.”*

2. A report has been received from the Registry, as per which, requisite pre-deposit in terms of proviso to Section 43(5) of the RERA Act¹ has been made. However, Mr. Dahiya submits that he has instructions from the appellant-company not to press the instant appeal and make a prayer for withdrawal of the same. Even otherwise there is 723 days delay in filing the appeal.

3. Under these circumstances, the court cannot overlook the sheer wastage of judicial time and undue burden put on the registry to process file, remit the amount of pre-deposit to the Bank and seek refund of the same.

4. In view of above, prayer for withdrawal of the appeal is accepted and the same is hereby dismissed as withdrawn.

5. It is, thus, directed that pre-deposit be refunded to the Authority along with interest accrued thereon for disbursement to the appellant-promoter, subject to tax liability, if any, according to law. This, however, be subject to payment of Rs.7,000/- as costs of proceedings payable to **Poor Patients' Welfare Fund, PGIMER, Chandigarh..** Receipt thereof be produced before this Tribunal within one month from the date of this order.

6. The concerned official of this Tribunal is directed to release the amount after verifying the receipt of costs imposed as above.

7. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)
(joined through VC)

24.04.2025
Manoj Rana

¹ Real Estate (Regulation and Development) Act, 2016