

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**Appeal No.295 of 2023**

**Date of Decision: July 22, 2025**

Ocus Skyscrapers Realty Pvt. Ltd., registered office at 6<sup>th</sup> Floor, Ocus Technopolis Building, Golf Course Road, Sector 54, Gurugram, Haryana 122001

Appellant.

Versus

Adesh Kumar resident of House No.113, Village Mohammadpur Jharsa, Tehsil and District Gurugram, Haryana 122004

Respondent

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

Mr. R.K. Sanwariya, Advocate  
for the respondent.

**CORAM:**

**Justice Rajan Gupta**  
**Rakesh Manocha**

**Chairman**  
**Member (Technical)**

**ORDER:**

**RAJAN GUPTA, CHAIRMAN:**

Present appeal is directed against order dated 24.11.2022 passed by the Authority<sup>1</sup> whereby it has directed the promoter to grant refund upon the paid up amount of the allottee after deducting 10% of the sale consideration of the unit and to pay interest @10.35% p.a. on the refundable amount from the date of surrender till the actual date of refund.

2. During the course of hearing, the parties were asked whether there was any possibility of amicable settlement between them. As they expressed their willingness, they were permitted to hold parleys.

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<sup>1</sup> Haryana Real Estate Regulatory Authority at Gurugram

3. Today, at the outset, Mr. Balhara, counsel representing the appellant, submits that the matter has been settled between the parties.

4. Mr. Sanwariya, counsel representing the respondent, does not controvert the aforesaid statement made by Mr. Balhara. He seeks to file an affidavit of respondent-Mr. Adesh Kumar. Same is taken on record as Mark-'A'. Contents of the affidavit read as under:

*"1. That the accompanying appeal has been filed against the order dated 24.11.2022 passed by the Ld. Real Estate Regulatory Authority, Gurugram by the Appellant Promoter.*

*2. I state that I am the Respondent-Allottee in the above-said appeal. The Ld. Regulatory Authority has directed the appellant-promoter to refund the amount after deducting 10% of the sale consideration of the unit with interest @ 10.35 per annum from the date of surrender i.e., 22.12.2017 till the actual date of refund.*

*3. I wish to state that the I have no longer any intention to contest the appeal on merits. That after discussions with the Appellant-promoter I am ready and willing to take the refund amount after deductions of 10% of the sale consideration which amount to Rs.6,74,362/- along with the further deductions of statutory dues paid by Promoter to competent authorities which comes out to be Rs.92,493/- and Brokerage which amounts to be Rs.67,436/-.*

*4. I further state that after deductions of amount under abovesaid heads, the amount which comes out to be Rs. 8,25,829/- (Eight Lakh Twenty Five Thousand Eight Hundred Twenty Nine Only) is acceptable to me.*

*5. I state that the amount of Rs. 8,25,829/- vide Demand Draft No-795842, Dated-15.07.2025 have been refunded to me by the Appellant-Promoter and I have no objection if the amount deposited by the Appellant-Promoter in compliance of the 43(5) of RERA Act, 2016 is refunded back to the Appellant-Promoter along with its accrued interest. A true copy of the demand draft of Rs. 8,25,829/- dated 15.07.2025 is annexed herewith as Annexure-A.*

*6. The present appeal may kindly be disposed of in the above-said terms and no cause of action/ grievance/ compensation is left against the unit in question by the deponent.*

*7. That no part of the affidavit is false and nothing has been concealed therein.”*

5. Mr. Balhara prays that in view of settlement, he may be allowed to withdraw the instant appeal and the pre-deposit made by the appellant-promoter along with instant appeal at the time of filing of the appeal along with interest accrued thereon may be refunded to it.

6. Prayer is accepted.

7. Appeal is dismissed as withdrawn.

8. As the matter has been disposed of in view of the settlement, the amount cannot be retained by the Tribunal. The same is hereby remitted to the concerned Authority to be disbursed to the appellant-promoter. Needless to observe tax liability, if any, would apply.

9. File be consigned to the records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Rakesh Manocha  
Member (Technical)

22.07.2025  
Manoj Rana