

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

Appeal No.264 of 2025 (O&M)
Date of Decision: 31.10.2025

M/s Pivotal Infrastructure Private Limited, Plot No.12, Sector 4,
Faridabad, Haryana 122001.

...Appellant

Versus

Dinesh Kumar, resident of House No.427, Kumaharo ka Mohalla Nha
Jhun Jhunu, Rajasthan.

...Respondent

CORAM:

Justice Rajan Gupta Dr. Virender Parshad Shri Dinesh Singh Chauhan	Chairman Member (Judicial) Member (Technical)
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Present: Mr. Karan Kaushal, Advocate,
 for the appellant-non-applicant.

 Mr. Sahil Sabharwal, Advocate for
 Mr. Rajan Kumar Hans, Advocate,
 for the respondent-applicant.

:O R D E R:

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against order dated 10.08.2023
passed by the Authority¹ at Gurugram. Operative part thereof reads as
under:

“G. Directions of the authority
28. Hence, the authority hereby passes this order and
issues the following directions under section 37 of the
Act to ensure compliance of obligations cast upon the
promoter as per the function entrusted to the authority
under section 34(f):

¹ Haryana Real Estate Regulatory Authority, Gurugram

i. The respondent shall pay delay possession interest at the prescribed rate i.e., 10.75% per annum for every month of delay on the amount paid by the complainant from due date of possession i.e., 22.01.2020 till the date of actual handing over of possession or till offer of possession plus 2 months after obtaining occupation certificate from the competent authority, whichever is earlier; as per proviso to section 18(1) of the Act read with rule 15 of the rules.

ii. The respondent is directed to hand over the possession to the complainant allottee on payment of outstanding dues, if any, after adjustment of interest for the delayed period.

iii. The rate of interest chargeable from the allottees by the promoter, in case of default shall be charged at the prescribed rate i.e., 10.75% by the respondent/promoter which is the same rate of interest which the promoter shall be liable to pay the allottees, in case of default, i.e., the delayed possession charges as per section 2(za) of the Act.

iv. The respondent shall not charge anything from the complainant which is not the part of the buyer's agreement.

29. Complaint stands disposed of.

30. Files be consigned to registry.”

2. During the pendency of the appeal, an application has been moved by the appellant-promoter for withdrawal of the appeal on the basis of settlement (Annexure A-1) arrived at between the parties. It appears that the said settlement deed is signed by the authorized representative of the appellant-company as well as the allottee. Same has been witnessed by two independent persons, namely, Mr. Suresh Kumar and Mr. Rahul Yadav.

3. Reply has been filed on behalf of the allottee affirming that a settlement dated 14.08.2025 has been entered into.

4. In view of above, application is allowed. Appeal is dismissed as withdrawn.

5. At this stage, Mr. Kaushal submits that pre-deposit made by the appellant-promoter in terms of Section 43(5) of the RERA Act with this appeal may be refunded to it along with interest accrued thereon.

6. As the matter has been disposed of in view of the settlement, the amount of pre-deposit cannot be retained by this Tribunal. Same is hereby remitted to the concerned Authority to be disbursed to the appellant, after due verification as regards the factum of settlement, on appearance of the parties or their authorised representative(s). Needless to observe tax liability, if any, would apply.

7. Copy of this order be sent to the parties, their counsel and the Authority below.

8. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad
Member (Judicial)

Dinesh Singh Chauhan
Member (Technical)

31.10.2025
Manoj Rana