

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 77 of 2024

Date of Decision:28.11.2025

Ocus Skyscrapers Realty Private Limited (formerly known as Ocus Skyscrapers Realty Ltd.) registered office at 6th Floor, Ocus Technopolis Building, Golf Course Road, Sector 54, Gurugram, Haryana-122001.

Appellant.

Versus

- 1. Amar Bajaj;
- 2. Sunita Bajaj Both R/o H.No. 2231A, Sector-07, Urban Estate, karnal, Haryana.

Respondents

Coram:

Justice Rajan Gupta	Chairman
Dr. Virender Parshad	Member (Judicial)
Dinesh Singh Chauhan	Member (Technical)

Present: Mr. Yashvir Singh Balhara, Advocate with
Mr. Gaurav Kapoor, Authorised Representative,
for the appellant.

Mr. Amar Bajaj, respondent no. 1 with
Mr. Hoshiar Chand, Advocate.

RAJAN GUPTA, CHAIRMAN (oral):

Present appeal is directed against order dated 04.10.2023, passed by the Authority¹. Operative part thereof reads as under:

“F. Direction of the authority

26. 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-promoter is directed to refund the entire amount of Rs.41,37,403/- paid by the complainants with interest at the rate of 10.75% (the State Bank of India highest marginal cost of lending rate (MCLR) applicable as on date +2%) as prescribed under rule 15 of the Haryana Real Estate (Regulation and Development) Rules 2017 from the date of each payment till the date of refund of the deposited amount.*

ii. *A period of 90 days is given to the respondent to comply with the directions given in this order and failing which legal consequences would follow.*

21. *Complaint stands disposed of.*

22. *File be consigned to the registry.”*

2. During the pendency of the proceedings before this Bench, a query was put to the promoter as well as the allottees whether they were ready to explore the possibility of amicable settlement. As their answer was in the affirmative and efforts in that direction were undertaken. Resultantly, on 21.11.2025, the following order was passed:

“Mr. Shekhar Verma, at the outset, submits that after yesterday’s hearing, deliberations were held with the allottees. On instructions from the appellant-company (Ocus Skyscrapers Realty Pvt. Ltd.) it has been decided to remit the agreed amount to the allottees by way of two separate Demand Drafts in favour of Amar Bajaj and his wife. The Demand Drafts shall be brought to the Court on the next date of hearing.

Mr. Mayank Gupta, learned counsel for the respondentallottees, affirms that after yesterday’s hearing, the matter was discussed with the officials of the appellant-promoter and a settlement was arrived at. He submits that he has received instructions from the allottees, namely, Amar Bajaj and Sunita Bajaj to accept the amount agreed upon in the settlement, which is approximately Rs.

86,30,000/-. In this regard, he has made a statement before this Bench, Mark-‘A’.

As both sides pray for adjournment in view of above, we direct that the matter be listed on 28.11.2025.”

3. Today, when the case has been taken up hearing, Mr. Balhara, on instructions from Mr. Gaurav Kapoor, Authorised Representative of the appellant-company, who is present in Court states that a settlement has been arrived at between the parties. Settlement agreement has also been reduced into writing. Copy thereof has been produced. Same is taken on record as Mark-‘B’. He submits that two Demand Drafts bearing nos. 949332 & 949331 dated 24.11.2025 amounting to Rs.43,16,000/- each in favour of both the respondent-allottees have been handed over to Mr. Amar Bajaj, respondent no.1, who is present in Court. Mr. Gaurav Kapoor, Authorised Representative, has made a statement in this regard, which is taken on record as Mark-‘C’.

4. Learned counsel for the respondent, on instructions from Mr. Amar Bajaj, respondent no. 1, who is present in Court, states that two Demand Drafts bearing nos. 949332 & 949331 dated 24.11.2025 amounting to Rs.43,16,000/- each (total amount of Rs.86,32,000/-) in lieu of full and final settlement of all the claims of the respondent-allottees towards the appellant-company (Ocus Skyscrapers Reality Pvt. Ltd.) have been received. Mr. Amar Bajaj has made a statement in this regard, which is taken on record as Mark-‘D’.

4. Mr. Balhara submits that in view of above, he may be allowed to withdraw the appeal. However, the amount deposited by the appellant-promoter with this Tribunal by

way of pre-deposit be returned to it along with interest accrued thereon.

5. In view of above, the appeal is dismissed as withdrawn.

6. 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 alongwith interest accrued thereon to the concerned Authority to be disbursed to the appellant. Needless to observe tax liability, if any, would apply.

7. Copy of the order be communicated to the parties/counsel for the parties and the Authority.

8. File be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad
Member (Judicial)

Dinesh Singh Chauhan
Member (Technical)

28.11.2025
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