



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 821 OF 2020

HRERA Panchkula

....COMPLAINANT

VERSUS

BM Gupta Developers Pvt. Ltd.

....RESPONDENT

CORAM: Rajan Gupta
Anil Kumar Panwar
Dilbag Singh Sihag

Chairman
Member
Member

Date: 25.01.2021

REVISED ORDER (RAJAN GUPTA - CHAIRMAN)

Since there is a clerical mistake in mentioning the amount of ₹11,87,438/- instead of ₹11,87,538/-, at page number 2 of the order dated 05.01.2021, the amount of ₹11,87,538/- may be read in place of ₹11,87,438/-.

RAJAN GUPTA
[CHAIRMAN]

ANIL KUMAR PANWAR
[MEMBER]

DILBAG SINGH SIHAG
[MEMBER]



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COMPLAINT NO. 821 OF 2020

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....COMPLAINANT(S)

VERSUS

BM Gupta Developers Pvt. Ltd.

....RESPONDENT

CORAM: **Rajan Gupta**
Anil Kumar Panwar
Dilbag Singh Sihag

Chairman
Member
Member

Date of Hearing: 05.01.2021

Hearing: 3rd

Present: Mr. Ajay Chhikara, counsel for respondent through video conference

ORDER (RAJAN GUPTA - CHAIRMAN)

1. The present complaint was registered suo motu for the compliance of the order of Hon'ble Haryana Real Estate Appellate Tribunal dated 04.02.2020 in Appeal no. 1320 of 2019 wherein it was ordered that the amount deposited by the appellant/promoter (herein respondent) with the Appellate

Tribunal be transferred to the Haryana Real Estate Regulatory Authority, Panchkula for disbursement to the respondent in appeal.

2. In pursuance of the order of the Appellate Tribunal an amount of ₹11,87,438/- was received by the Authority from the Haryana Real Estate Appellate Tribunal.

3. It was brought to notice of the Authority that in Execution no. 2216 of 2019, a settlement had been arrived between the promoter (herein respondent) and the respondent in appeal . In view of this settlement the amount deposited deserved to be remitted back to the promoter (herein respondent). Therefore, the respondent was directed by the Authority in the present case vide order dated 29.09.2020, to seek modification of the order dated 04.02.2020 passed by Hon'ble Haryana Real Estate Appellate Tribunal.

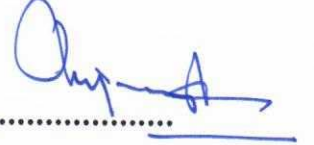
4. Vide order dated 17.12.2020, Hon'ble Haryana Real Estate Appellate Tribunal modified its order dated 04.02.2020 in view of the compromise between the parties, directing the amount deposited by appellant/promoter (herein respondent) to be returned to the appellant/promoter (herein respondent) in compliance of proviso to section 43(5) of the Real Estate (Regulation & Development) Act, 2016.

5. Therefore, in compliance of the modified order of the Appellate Tribunal, the Authority directs the amount of ₹11,87,438/- received by it from



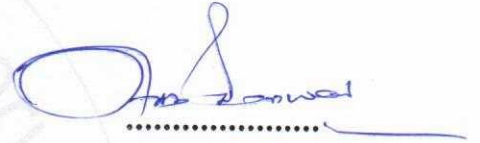
the Haryana Real Estate Appellate Tribunal in pursuance of the order of the Appellate Tribunal dated 04.02.2020, to be remitted to the respondent.

6. The complaint is **disposed** of accordingly. Files be consigned to record room.



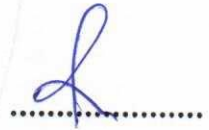
RAJAN GUPTA

[CHAIRMAN]



ANIL KUMAR PANWAR

[MEMBER]



DILBAG SINGH SIHAG

[MEMBER]