



Complaint no. 1204 of  
2020

## HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

### SUO MOTO COMPLAINT NO. 1204 OF 2020

HRERA Panchkula

....COMPLAINANT(S)

VERSUS

1. Santosh Lathwal

....RESPONDENT(S)

2. Jindal Realty Pvt Ltd

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

**Chairman  
Member  
Member**

**Date of Hearing: 07.09.2021**

**Hearing-5<sup>TH</sup>**

**Present :-** None for respondent no. 1  
Mr. Drupad Sanwgan , Counsel for respondent No. 2

### **ORDER (RAJAN GUPTA-CHAIRMAN)**

Captioned suo moto complaint has been filed against the respondents to refund the pre-deposit amount of Rs 7,33,453/- in terms of order dated 26.11.2019 passed by Hon'ble Appellate Tribunal in Appeal no. 154/2019. In the said appeal, the Hon'ble Tribunal had ordered that "the amount deposited by the promoter with this Tribunal for compliance of the provision of proviso to section 43(5) of the Act be transferred to the Ld. Authority being the Executing Authority for

disbursement to the respondents/allottees as and when the execution petition is filed in accordance with law”.

2. Respondent on the last date of hearing had submitted that it had already discharged its liability towards allottee by making payment of due amount. Therefore, the amount received from Hon’ble Appellate Tribunal is now liable to be refunded to it. The respondent in these circumstances was directed to seek a modification of the direction from Hon’ble Real Estate Appellate Tribunal regarding disbursement of amount.

3. Today Mr. Drupad Sangwan, counsel for respondent no. 2 (Jindal Realty Pvt Ltd) has informed that CM no. 136/2021 was filed in appeal no. 154 of 2019 before the Hon’ble Appellate Tribunal seeking modification in the order dated 26.11.2019. Said application has been disposed of by Hon’ble Appellate Tribunal vide order dated 26.08.2021 wherein it has been stated as follows:-

*“In view of the statement at Bar made by Smt. Santosh Lathwal, the present application is hereby allowed. The order dated 26.11.2019 passed by this Tribunal is modified.*

*The Ld. Authority is at liberty to refund the amount deposited by the appellant-promoter with this Tribunal in compliance of provisions of proviso to Section 43(5) of the Real Estate (Regulation & Development) Act, 2016 to the appellant-promoter in accordance with Rules.”*

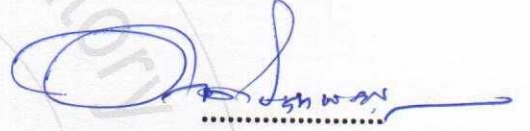
4. On perusal of said order, it is clear that said amount of Rs 7,33,453/- deserves to be returned/disbursed to the appellant i.e. M/s Jindal Realty Pvt Ltd.




5. Therefore, present complaint is disposed with direction to the office to disburse the amount of Rs 7,33,453/- to respondent no. 2 M/s Jindal Realty Pvt Ltd in their bank account bearing no. 000705029112 IFSC code-ICIC0000007.
6. The complaint is **disposed of** accordingly. File be consigned to record room.



RAJAN GUPTA  
[CHAIRMAN]



ANIL KUMAR PANWAR  
[MEMBER]



DILBAG SINGH SIHAG  
[MEMBER]

