

Jindal Reality Private Ltd. Vs. Renu Dua and Anr.
Appeal No. 155 of 2019

Present: Sh. Drupad Sangwan, Advocate, Ld. Counsel for the applicant/appellant.

Sh. Amar Kumar Sharma, in person and also on behalf of the co-allottee and his wife Ms. Deepali Shama.

(The court proceedings conducted through VC due to Covid-19 burst)

Shri Amar Kumar Sharma, has stated that that he as well as his wife Deepali Sharma (co-allottee) has no objection, if the amount deposited by the appellant in compliance to the Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 with this Tribunal is refunded to the applicant/appellant. An email to this effect sent by the respondents has also been received which has been taken on record.

The applicant/appellant has preferred an appeal bearing no. 155 of 2019 before this Tribunal. The said appeal was disposed of by this Tribunal vide order dated 26.11.2019 with the following directions.

“Thus, keeping in view of our aforesaid discussion, the present appeal is hereby partly allowed. The impugned order dated 08.01.2019 passed by the Ld. Authority is hereby modified to this extent that the appellant/promoter shall also be entitled to charge the interest at the rate of interest 10.45% per annum on the delayed payment. The fresh calculations shall be filed by the appellant/promoter within 15 days with the Ld. Authority before whom the execution is stated to be pending. 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 in the pending execution in accordance with law.”

In compliance of our direction, the said amount was sent to the Ld. Haryana Real Estate Regulatory Authority, Panchkula for disbursement to the respondents/allottees.

Now, the applicant-appellant has moved this application that after passing the order by this Tribunal, the matter has been settled between the parties and the claim of respondents/allottees has been satisfied. The order dated 26.11.2019 may be modified and the amount of pre-deposit may be returned to the applicant/appellant.

Notice of this application was issued to the respondents/allottees. Shri Amar Kumar Sharma, respondent/allottees has made the statement at bar that he as well as his wife (co-allottee) has no objection, if the order dated 26.11.2019 is modified and the amount of pre-deposit is returned to the applicant/appellant.

Thus, in view of the concession given by the respondents, the application moved by the appellant/promoter is hereby allowed and the order dated 26.11.2019 passed by this Tribunal is hereby modified. The amount of pre-deposit amounting to Rs. 3,95,577/- may be refunded to the applicant/appellant. So, the Id. Authority is at liberty to return the aforesaid amount to the applicant/appellant.

Application stands disposed of accordingly.

Copy of this order be conveyed to the parties/ld. counsel for the parties and the Id. Authority.

The application alongwith this order be attached with the appeal file.

Inderjeet Mehta
Member (Judicial)
Haryana Real Estate Appellate Tribunal,
Chandigarh

Anil Kumar Gupta
Member (Technical)