

Emaar India Land Ltd. Vs. Mukesh Kumar Sharma

Appeal No. 325 of 2021

Present: Shri Shekhar Verma, Advocate, Id. counsel for the appellant.

{The Court proceedings conducted through VC}

There is delay of 49 days in filing and 35 days in refiling the present appeal. The appellant has not moved any separate application for condonation of delay in filing and refiling of the present appeal.

The impugned order was passed on 26.03.2021 and was uploaded on 09.04.2021, which falls within the period of lockdown due to COVID-19 outbreak. The case in hand is fully covered by the directions of the Hon'ble Apex Court in Suo Moto Writ Petition (C) No.3 of 2020.

In view of the aforesaid directions given by the Hon'ble Apex Court in aforesaid Suo Moto Writ Petition the delay in filing and refiling of the present appeal stands condoned however, subject to just objections by the respondents.

Ld. counsel for the appellant has placed on file the settlement agreement dated 25.02.2022. Ld. counsel for the appellant further states that the present appeal may be dismissed as withdrawn as a result of amicable settlement between the parties in terms of settlement agreement dated 25.02.2022 and the amount deposited by the appellant for compliance of Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 (in short Act) may be refunded to the appellant.

Shri Sanjeev Sharma, Advocate has voluntarily put up in appearance on behalf of the respondent and has also confirmed the factum regarding amicable settlement. He stated that he has no objection if the amount deposited by the appellant for compliance of section 43 (5) of the Act is refunded to the appellant.

In view of the aforesaid statement at bar made by Id. counsel for the parties, the present appeal is hereby dismissed as withdrawn. The amount of Rs. 34,08,778/- along with interest accrued subject to tax liability as per law and rules be returned to the appellant.

File be consigned to the records.

Justice Darshan Singh (Retd.)
Chairman,
Haryana Real Estate Appellate Tribunal,
Chandigarh

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)