Subject: Procedure for refund of the amount deposited by the Appellant with the Haryana Real Estate Appellate Tribunal pursuant to Section-43(5) of the RERA Act, 2016.

As per Section-43(5) of the Real Estate (Regulation & Development) Act, 2016, any person aggrieved by any direction or decision or order made by the Authority or by the Adjudicating Officer under the RERA Act, 2016 may prefer an appeal before the Haryana Real Estate Appellate Tribunal having jurisdiction of the matter. Further, where a promoter files an appeal with the Tribunal, it shall not be entertained without the promoter first having deposited with the Appellate Tribunal at least 30% of the penalty or such higher percentage as may be determined by the Appellate Tribunal, or the total amount to be paid to the allottee including interest or compensation imposed on him, if any, or with both, as the case may be, before the said appeal is heard.

2. In a few cases, the Tribunal while dismissing the appeals, has inter-alia ordered that such pre-deposit amount be transferred to the Authority for transferring the same to the appellant/allottee, as the case may be.

3. In this regard, the Authority, pursuant to the decision taken in its 97th meeting held on 15.06.2020 vide Item No. 97.12 has opened a separate dedicated Bank Account with Axis Bank, Sector-10, Panchkula. The amount so received from the Tribunal shall be deposited in the said bank account of the Authority. On the expiry of the stipulated period for filing appeals, the Authority will release the amount to the complainant/respondent, as per the directions of the Haryana Real Estate Appellate Tribunal and in the manner given below:

i. That an application in the ‘Proforma P-1’ along with a copy of the orders of the Hon’ble Tribunal shall be filed by the person claiming him as entitled for the refund of the amount along with an affidavit that no order has been passed by any Court/Authority against disbursement of the amount. The affidavit shall also contain the Bank Particulars, PAN
Number and Proof of identity of the person claiming disbursement of the amount, etc.

ii. The application so filed for disbursement of the amount shall be uploaded on the web portal of the Authority by the concerned Law Associate by registering a suo-motu complaint. The Law Associate shall also issue a 15 days’ notice to both the parties.

iii. The application filed by the complainant shall be summarily disposed of by the Authority on the date so fixed and thereafter, the amount shall be released by the Accounts Section through the RTGS, as per orders of the Authority.

Date: 08.07.2020
Place: Panchkula

Executive Director
HRERA, Panchkula

Endst. No. HRERA-PKL/ED/2020/3417-23

Dated: 08.07.2020

A copy of the above is forwarded to the following for information and necessary action.

i. Adjudicating Officer, HRERA, Panchkula
ii. AO (P), HRERA, Panchkula.
iii. JC (B&A), HRERA, Panchkula.
iv. PS to Hon’ble Chairman.
v. PS to Hon’ble Member-I.
vi. PS to Hon’ble Member-II.

(for uploading on the Web Portal of the Authority)

for information of Hon’ble Chairman and Hon’ble Members.

Executive Director
HRERA, Panchkula.
Proforma P-1

Before the Haryana Real Estate Regulatory Authority, Panchkula/ Adjudication Officer

Subject: Application for refund of the pre-deposit amount received from Haryana Real Estate Appellate Tribunal pursuant to Section 43(5) of the Real Estate (Regulation & Development) Act, 2016.

Kindly release the pre-deposit amount transferred by the Hon’ble Haryana Real Estate Appellate Tribunal to the Haryana Real Estate Regulatory Authority, Panchkula vide its orders dated __________ passed in the appeal case as per details given below:

i. Appeal No: ______________

ii. Title of the Appeal: ______________

iii. Name of the Applicant/Claimant: ______________

iv. Address: ______________

v. E-mail: ______________

vi. Date & Order of the Haryana Real Estate Appellate Tribunal: ______________

vii. Amount claimed by the applicant: ______________

viii. Date and Order of the Authority/Adjudicating Officer: ______________

ix. Pre-deposit amount deposited with RERA Tribunal: ______________

x. Bank Details of the Applicant/Recipient:
   a) Name of the Bank: ______________
   b) Branch Address: ______________
   c) Account No: ______________
   d) IFSC Code: ______________

xi. PAN No. of the Applicant/Recipient: ______________

Place: ______________

Date: ______________

APPLICANT
Documents to be attached:

i. Copy of board resolution/ letter of authority to file the present application.
ii. Copy of orders of the Hon’ble RERA Tribunal.
iii. Copy of the orders passed by the Authority.
iv. Copy of PAN card.
v. Copy of ID/ Aadhar Card of the applicant.
vi. Cancelled cheque of the applicant/ recipient.