

Emaar India Ltd.
Vs.
Vikas Mehera and another
Appeal No. 165 of 2022

Present: Ms. Tanika Goyal, Advocate
for the appellant.

Mr. Arvind Chaudhary, Advocate
for the respondent.

Complainant preferred a compliant before the Authority at Gurugram *inter alia* seeking possession of the unit in question and also Delay Possession Charges (DPC) as per the Real Estate (Regulation and Development) Act, 2016 (for short, 'the Act'). The Authority adjudicated upon the matter and gave certain directions including payment of interest at the prescribed rate i.e. 9.30% per annum for every month of delay on the amount paid by the complainant from due date of possession i.e. 26.08.2013 till 22.01.2021 i.e. expiry of 2 months from the date of offer of possession. Amount of Rs.4,90,550/- paid by the promoter to the complainant was directed to be adjusted towards the delay possession charges.

During the pendency of this appeal, a proposal has been put to counsel whether it is possible to settle the matter amicably without going into technical aspects. Both are agreeable to this.

It has been suggested that in case Rs.27,00,000/- be remitted to the allottee as lump sum amount in full and final settlement of all his claims, the matter can be disposed of.

Ms. Goyal submits that she will get instructions from the appellant-promoter and in all probability a demand draft of Rs.27,00,000/- shall be brought before this Tribunal on the next date of hearing. She further prays that amount

deposited by the appellant-promoter as pre deposit in terms of proviso to Section 43(5) of the Act be refunded to it along with interest accrued thereon. This proposal is acceptable to counsel for the respondent (Mr. Vikas Mehra).

Needless to observe, above shall be subject to execution of conveyance deed and payment of CAM charges by the respondent-allottee, if any.

List on 19.01.2024 for further order.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)

04.12.2023
Rajni