

Emaar India Ltd.
Vs
Rajeshwar Arora and another
Appeal No.347 of 2021

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

Mr. Tushar Bahmani, Advocate,
for the respondents.

Learned counsel for the appellant, at the outset, submits that possession has already been handed over to the respondents. She submits that she has clear instructions from the appellants-promoter in this regard. She shall bring a demand draft of Rs.30,00,000/- in favour of one of the respondent-allottees on the next date of hearing in lieu of full and final settlement of all the claims of the respondent-allottees. The demand draft can be given to the respondent-allottees without entering into technical issues. In such eventuality, conveyance deed shall also be executed in favour of the respondent-allottees. She, however, submits that the amount of pre deposit in terms of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 along with interest accrued thereon may be refunded to the appellant-promoter.

Learned counsel for the respondent-allottees submits that he needs some time to seek instructions regarding the aforesaid proposal given by the counsel for the appellant-promoter.

One month's time is granted for this purpose.

To come up on 07.02.2024.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta
Member (Technical)

20.12.2023.
Manoj Rana