

Ocus Skyscrapers Reality Private Ltd.
Vs.
Shardha Amarnath and another
CM No.177 of 2023
In Appeal No. 67 of 2023

Present: Mr. Shekhar Verma, Advocate along with
Mr. Yashvir Singh Balhara, Advocate,
for the appellant.

Mr. Nihit Nagpal, Advocate,
for the respondents.

Present appeal is directed against order dated
24.11.2022 passed by the Authority at Gurugram. Operative part
thereof reads as under:

“i. The respondent-promoter is directed to refund the paid-up amount after deducting 10% of the sale consideration of the unit being earnest money as per regulation Haryana Real Estate Regulatory Authority Gurugram (Forfeiture of earnest money by the builder)Regulation, 2018 with interest @ 10.35% p.a. on the refundable from the date of cancellation i.e., 02.06.2018 (in CR/632/2018) and date of surrender i.e, 02.07.2018 (in CR/633/2018), 22.12.2017 (in CR/621/2020) respectively till the actual date of refund of the amount.

2. A period of 90 days is given to the respondent to comply with the directions given in this order and failing which legal consequences would follow.”

2. During the course of hearing, the parties desired to explore the possibility of amicable settlement, as a result of which order dated 05.02.2024 was passed, same reads as under:

“Learned counsel for the parties submit that only monetary issue is involved in this case. They shall hold a meeting to explore the possibility of amicable settlement.

This Tribunal shall be apprised of the progress on the next date of hearing, failing which, case shall be heard on merits.

Adjourned to 06.05.2024.

*Photocopy of this order be placed in file of
Appeal No. 68 of 2023.”*

3. Today, when the case has been taken up for hearing, Mr. Verma submits that he has sought instructions from the appellant (M/s Ocus Skyscrapers Reality Private Ltd.). Appellant-company is ready to remit a lump sum amount of Rs.10,50,000/- to the respondent-allottees in lieu of full and final settlement of all their claims. A demand draft of Rs.10,50,000/-shall be brought before this Tribunal on the next date of hearing. In such eventuality, the amount deposited with this Tribunal by way of pre-deposit in terms of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 may be returned to appellant-promoter along with interest accrued thereon.

4. Mr. Nagpal, learned counsel for the respondents submits that the aforesaid proposal is acceptable to him. In case, a demand draft of Rs.10,50,000/- is handed over to him on the next date of hearing, he would have no objection if amount of pre-deposit is refunded to the appellant-promoter.

5. Learned counsel for the parties submit that they shall file short affidavit in light of aforesaid statement within a week from today.

6. List on 31.05.2024.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

06.05.2024
Manoj Rana