

Sushil Kumar Sharma
Vs.
M/s Magic Info Solutions Pvt. Ltd.
Appeal No.93 of 2021

Present: Mr. Sushil Kumar Sharma,
appellant in person.

Mr. Kapil Madan, Advocate,
for the respondent.

Both parties have addressed the arguments at some length. During the course of hearing, our attention has been drawn to para (iv) of the relief clause in the order dated 17.08.2018 passed by the Authority. Same reads as under:-

“The authority decided that if the possession is not given on the date committed by the respondent then the complainant is at the liberty to approach the authority for the remedy provided under the provisions of the RERA Act. The respondent is directed to pay interest accrued on account of delay till the date of handing over of possession.”

A query has been put to Mr. Madan, counsel appearing for the respondent whether the appellant acquires unqualified rights for refund of the amount in view of the judgment of Hon’ble Supreme Court in *M/s Newtech Promoters and Developers Pvt. Ltd. v. State of UP & others 2022 (1) RCR (Civil) 357*.

He prays for some time to examine the judgment and take appropriate steps.

We expect the respondent-promoter to make earnest efforts to settle the matter in view of settled law.

Adjourned to 14.09.2023.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Inderjeet Mehta
Member (Judicial)

Anil Kumar Gupta
Member (Technical)