



HARERA
GURUGRAM

HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY

Day and Date	Monday and 29.05.2023
Complaint No.	E/1982/2022 case titled Babita Tiwari VS Emaar
Complainant	Babita Tiwari
Represented through	Mr. Manish Yadav Adv
Respondent	Emaar
Respondent Represented through	Mr. Ishaan Dang Adv
Last date of hearing	
Proceeding Recorded by	Jyoti Malik

Proceedings

Learned counsel for JD file ^{नया}fresh calculation. Copy given.

It is pointed out that JD had preferred an appeal against order/decree under execution, being appeal no. 433/2022. Same has been disposed of by the Appellate Tribunal. The Tribunal was pleased to direct that Rs. 74,86,115/- deposited by appellant-promoter with the Tribunal in compliance of provision Section 43 (5) Act of 2016 along with the interest accrued thereon, be sent to the authority for disbursement to respondent-allottee, ^{नया}As per observations made by the Tribunal, ^{नया}the excess amount may be remitted to the appellant, subject to tax liability (if any).

Learned counsel for DH requests to release the amount received from the Appellate Tribunal in favour of his client, at least the amount which is not disputed by JD.

According to learned counsel for JD, his client has no objection, if an amount of Rs. 56,40,212/- be released in favour of DH/complainant.

Considering all this, request is allowed. Let said amount of

An Authority constituted under section 20 the Real Estate (Regulation and Development) Act, 2016
Act No. 16 of 2016 Passed by the Parliament

भू-संपदा (विनियमन और विकास) अधिनियम, 2016 की धारा 20 के अर्तगत गठित प्राधिकरण

भारत की संसद द्वारा पारित 2016 का अधिनियम संख्यांक 16



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Rs.56,40,212/- be released in favour of DH/complainant. A copy of this order be sent to the Accounts Officer for compliance, and another copy be given to the DH.

It is in dispute as what amount to be remitted in favour of JD and what in favour of JD. Both of learned counsels request to refer the matter to the Accounts Officer for calculation in this regard. Request is allowed. Parties are referred to the Accounts Officer, for calculation of the amount, as per order passed by the Appellate Tribunal. Parties to appear before the accounts officer on 06.07.2023.

To come on 21.07.2023 before this forum for further proceedings. Accounts Officer to file report till this date.


(Rajender Kumar)
Adjudicating Officer
29.05.2023