

(2024) 11 UK CK 0048

In the Uttarakhand High Court

Case No : Real Estate Regulatory Authority Appeal No. 06 Of 2021

Resizone Buildwill Pvt. Ltd.

APPELLANT

Vs

Sandeep Gusain

RESPONDENT

Date of Decision : 21-11-2024

Acts Referred:

Real Estate (Regulation And Development) Act, 2016 — Section 58

Citation : (2024) 11 UK CK 0048

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Bhupesh Kandpal, Alok Mahra

Judgement

Alok Kumar Verma, J

1. The Present RERA Appeal has been filed under Section 58 of the Real Estate (Regulation and Development) Act, 2016 challenging the judgment dated 23.06.2021, passed by the Uttarakhand Real Estate Appellate Tribunal, at Dehradun in Appeal No.34 of 2019, "M/s. Resizone Buildwill Pvt. Ltd. vs. Mr. Sandeep Gusain" and judgment dated 09.08.2019, rendered by the Real Estate Regulatory Authority, Dehradun in (online) Complaint No.38 of 2019, "Mr. Sandeep Gusain vs. M/s. Resizone Buildwill Pvt. Ltd."

2. The Real Estate Regulatory Authority, Dehradun had directed the appellant-promoter to pay a sum of Rs.19,41,005/- to the complainant-homebuyer with simple interest @ 10.25 + 2% per annum within 45 days of the order. The interest shall be calculated from different dates, on which the complainant-homebuyer paid the installments to the promoter. The Appeal (Appeal No.34 of 2019) has been dismissed vide impugned judgment dated 23.06.2021.

3. An Application [Misc. Application (IA No.4 of 2024)] has been filed by the appellant along with an affidavit of Mr. Naveen Kumar, authorized signatory of the appellant and Settlement/Compromise Agreement dated 07.05.2024 (annexure no.2).

4. Mr. Bhupesh Kandpal, the learned counsel for the appellant and Mr. Alok Mahra, learned counsel for the respondent.
5. Mr. Anand Dhyani, the authorized officer of the appellant and Mr. Sandeep Gusain, the respondent, are present through video conferencing. Mr. Anand Dhyani is identified by Mr. Bhupesh Kandpal, Advocate and Mr. Sandeep Gusain is identified by Mr. Alok Mahra, Advocate.
6. Both the parties submitted that they have resolved their disputes and after resolving the disputes, they have settled their disputes in terms of the Settlement/Compromise Agreement dated 07.05.2024 (annexure no.2).
7. Both the parties have requested to decide the present Appeal in terms of the Settlement/Compromise Agreement dated 07.05.2024 (annexure no.2).
8. With the consent of both the parties, the present RERA Appeal No. 06 of 2021 is decided in terms of the Settlement/Compromise Agreement dated 07.05.2024 (annexure no.2).
9. Resultantly, the impugned judgment dated 23.06.2021, passed by the Uttarakhand Real Estate Appellate Tribunal, at Dehradun in Appeal No. 34 of 2019 and the impugned judgment dated 09.08.2019, passed by the Uttarakhand Real Estate Regulatory Authority, Dehradun in (online) Complaint No.38 of 2019 are modified accordingly.
10. Settlement/Compromise Agreement dated 07.05.2024 (annexure no.2) will form part of this Order.