



**HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY**

10TH FEBRUARY, 2026

Versus

Uttarakhand Real Estate
Regulatory Authority & others Respondents

Counsel for the appellant	:	Mr. Gaurav Kandpal and Mr. Anurag Nautiyal, learned counsels
Counsel for the respondents	:	Dr. Aman Rab, learned counsel for respondent No. 1 through video conferencing
	:	Mr. J.C. Pande, learned Standing Counsel for respondent No. 2

The Court made the following:

JUDGMENT: (per Sri Manoj Kumar Gupta, C.J.)

1) The present intra-court appeal is directed against an order dated 11.07.2024, passed by a Single Judge Bench in Writ Petition (M/S) No. 1849 of 2024, “Arun Dev Builders Ltd. Vs Uttarakhand Real Estate Regulatory Authority & others”, whereby the writ petition



has been dismissed on the ground of availability of alternative remedy by way of an appeal before the Appellate Authority under the provisions of the Real Estate (Regulation and Development) Act, 2016.

2) It appears that while entertaining the instant appeal initially by order dated 07.08.2024, interim protection was granted to the appellant restraining any coercive action being taken against the appellant. By subsequent orders with the agreement of the appellant and the private respondents the matter was referred for mediation to the Mediation Centre of the Delhi High Court as per the MOU signed with Delhi Samadhan (ADR).

3) The mediation proceedings between the parties have been successful. A report has been received from the mediators enclosing therewith settlement agreement dated 18.12.2024 between the appellant and the private respondents, and where under the appellant had agreed to pay a total sum of Rs.50,00,000/- to the private respondents in five equal installments of Rs.10,00,000/- each by 10th day of every alternative month.

4) Civil Miscellaneous Application No. 04 of 2025 has been filed on behalf of private respondents stating that the appellant has so far paid only two installments



and in respect of the third installment there was default on part of the appellant in making the payment. An earlier Application No. 03 of 2025 was also filed by private respondents for a direction to the appellant to immediately deposit the balance amount within one week and for initiating contempt proceedings against the appellant.

5) The settlement agreement between the parties arrived at in course of the mediation proceedings specifically provides that the same would override the order passed by respondent No. 1. The rights and liabilities of the parties consequent to the settlement agreement are to be governed as per the same. Clause 11 of the settlement agreement further provides that in case any installment is not paid in terms of the settlement agreement for more than 45 days from the date it falls due, the entire amount as awarded shall become due and payable and the private respondents in such an event shall be at liberty to take their remedies for execution of the settlement award in accordance with law.

6) The effect of the above is that in case there is any default on part of the appellant in complying with the terms of the settlement agreement it is open to the



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private respondents to get the settlement agreement executed.

7) In the aforesaid background, the instant appeal stands disposed of by providing that the award / order of respondent No. 1 dated 22.05.2023, in Complaint Case No. 03 of 2023, would stand substituted by the settlement award between the parties, and in case of default in compliance of the same by any of the parties it shall be open to the parties to get the same executed in accordance with law.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 10TH FEBRUARY, 2026
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