

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CWP No.2411 of 2021
Date of decision : 02.12.2021**

SS Group Private Limited

.....Petitioner

VERSUS

Union of India and Others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present:- Mr.Aashish Chopra, Senior Advocate, with
Ms.Nitika Chopra, Advocate, for the petitioner.

Mr.Satya Pal Jain, Additional Solicitor General of India with
Mr.Shobit Phutela, Advocate, for the UOI.

Mr.Ankur Mittal, Additional Advocate General, with
Mr.Saurabh Mago, Assistant Advocate General, Haryana.

Mr.Ankur Mittal, Advocate, with
Ms.Kushaldeep K.Manchanda, Advocate,
Mr.Shivam Garg, Advocate,
Ms.Varsha Sharma, Advocate, for
respondent-Real Estate Regulatory Authority.

TEJINDER SINGH DHINDSA, J. (Oral)

The instant writ petition was filed raising the following
prayers:-

*“a). issue a writ in the nature of CERTIORARI, seeking
quashing of order dated March 3, 2020, Annexure P/13,
passed by Real Estate Regulatory Authority, Respondent No.4,
in Complaint No.1032 of 2019; Tarun Khilariwal and
Another versus SS Group Pvt. Ltd., the same besides being,
inter alia, illegal, arbitrary and unsustainable, is also without*

jurisdiction inasmuch as Respondent No.4 has misdirected itself in entertaining and deciding the Complaint filed on behalf of Respondent Nos.5 and 6, especially when the same had been filed in such form/manner and/or seeking such relief, which as per the scheme of Real Estate (Regulation and Development) Act, 2016, could only be, at best, said to be maintainable before the Adjudicating Officer and in any event not before the Real Estate Regulatory Authority; or in the alternative

(b) issue a writ in the nature of MANDAMUS directing the Ld. Haryana Real Estate Appellate Tribunal, Respondent No.3, to entertain the Appeal that may be filed by the Petitioner against order dated March 3, 2020, Annexure P/13, passed by Respondent No.4, without requiring the Petitioner to first deposit with the Appellate Tribunal the amount to be paid to the Allottee, as per the aforementioned order of the Real Estate Regulatory Authority, Respondent No.4, thereby waiving the condition of pre-deposit as mandated by Section 43(5) of the Real Estate (Regulation and Development) Act, 2016; and/or

c) issue any other appropriate writ, order or direction in favour of the Petitioner, which this Hon'ble Court may deem fit and proper in the peculiar facts and circumstances of the present case;”

Learned senior counsel for the petitioner submits that a settlement agreement dated 09.03.2021 has since been arrived at with the private respondents/allottees and as such, he has instruction not to pursue the instant writ petition.

In the light of such categorical statement made by counsel at bar, the writ petition is dismissed as not pressed.

Needless to mention that interim direction if, any, issued in the matter would cease to operate.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

02.12.2021
anil

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>