

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

CWP No.4714 of 2024 (O&M)

Date of Decision :24.04.2024

IREO Residences Company Pvt. Ltd.

.....Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE ARUN PALLI
HON'BLE MR.JUSTICE VIKRAM AGGARWAL**

Present : Mr. G.S.Attariwala, Sr. Advocate with
Mr. Bikram Singh Patwalia, Advocate and
Mr. Anand Vardhan Khanna, Advocate for the petitioner.

Mr. Ankur Mittal, Addl. A.G. Haryana with
Mr. Karan Jindal, AAG, Haryana.
Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep Kaur, Advocate for HRFRA.

Mr. R.S.Rai, Sr. Advocate with
Ms. Rubina Virmani, Advocate,
Mr. Sehaj Mahajan, Advocate and
Ms. Radhika Mehta, Advocate for respondents No.6 and 7.

ARUN PALLI, J. (Oral):

A certiorari is prayed for to quash the decree dated 30.08.2022 (P-4), passed by the Haryana Real Estate Regulatory Authority, Gurugram (RERA), as also the recovery certificate dated 08.11.2023, issued by the Adjudicating Officer, vide which the petitioner (IREO Residences Company Pvt. Ltd.) was directed to refund an amount of Rs.8,93,15,855/- to the allottees/investors (respondent Nos.6 and 7). For, before the said decree was passed, the parties had amicably resolved their differences and a formal settlement deed dated 06.04.2022 (P1) was reduced into writing.

On February 28, 2024, notice was issued to the respondents. And, a written statement on behalf of respondent Nos.6 and 7 has since been submitted.

Mr. R.S.Rai, learned Senior counsel for respondents No.6 and 7 submits that post decree dated 30.08.2022, the petitioner had moved the RERA itself by filing an application under Section 39 of the Real Estate (Regulation and Development) Act, 2016 (for short ‘the Act’) seeking rectification of the impugned decree dated 30.08.2022. He submits that in essence all the pleas that are sought to be raised in the petition at hand, qua the decree dated 30.08.2022, have already been set out in the application under Section 39 (ibid) that is pending consideration and is now posted for 21.05.2024. And the parties are participating in the said proceedings regularly.

Thus, upon being pointedly asked, as to how, in the given circumstances, when the authority is already in seizin of the application, moved by the petitioner, the present petition can be pursued parallely, learned Senior counsel for the petitioner, upon instructions, fairly submits that he be permitted to withdraw the petition. For, he submits, that petitioner shall pursue the matter with the RERA and shall press all possible pleas as admissible in law.

Dismissed as withdrawn.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

24.04.2024
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No