

**BEFORE THE HARYANA REAL ESTATE APPELLATE  
TRIBUNAL**

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Appeal No.205 of 2022  
Date of Decision: 27.03.2023

M/s Oasis Landmarks LLP, registered office 3<sup>rd</sup> Floor, Town  
B, UM House, Plot No.35, Sector 44, Gurugram (Haryana) 122  
001

Appellant

Versus

Anita Sardana wife of Kamal Kishore Sardana, resident of 7E,  
BB-Block, Janakpuri New Delhi 110058

Respondent

**CORAM:**

**Justice Rajan Gupta**  
**Shri Inderjeet Mehta**  
**Shri Anil Kumar Gupta**

**Chairman**  
**Member (Judicial)**  
**Member (Technical)**

Present: Ms. Tanika Goel, Advocate,  
for the appellant.

Shri Aashish Sardana, Authorised Representative  
for the respondent.

**ORDER:**

**Rajan Gupta, Chairman:**

The present appeal is directed against the order dated  
12.10.2021 of Adjudicating Officer, Haryana Real Estate  
Regulatory Authority, Gurugram (hereinafter called, the  
Adjudicating Officer) passed in Complaint No.3558 of 2018  
operative part thereof reads as under:

*“18. The complaint in hands is, thus, allowed  
Respondent is directed to refund the amount  
along with received from complainant till now  
i.e. Rs.52, 43,595.37/- within 90 days from  
today, along with interest @ 9.3% p.a. from  
the date of receipts till realization of amount.  
The respondent is burdened with cost of*

*litigation etc. Rs.1,00,000/- to be paid to the complainant.*

*File be consigned to the record.”*

2. Learned counsel for the appellant submits that as in the connected matter (CM No.105 of 2022) wherein respondent-Anita Sardana (appellant in Appeal No.156 of 2019) has sought revival of the appeal and same has been allowed today. The impugned order passed by the Adjudicating Officer deserves to be set aside. Besides the same is without jurisdiction in view of the judgment of *M/s New Tech Promoters and Developers Pvt. Ltd. v. State of U.P. and others 2021 SCC online SC 1044.*

3. This contention has not been controverted by the Authorised Representative of the respondent.

4. In view of the above, the impugned order dated 12.10.2021 passed by Adjudicating Officer is hereby set aside.

5. The appeal is allowed in these terms.

6. The amount of Rs.76,42,145/- deposited by the appellant-promoter with this Tribunal as pre-deposit to comply with the provisions of proviso to Section 43(5) of the Act, along with interest accrued thereon, be sent to the Ld. Authority for disbursement to the appellant-promoter as per the aforesaid observations, if any, according to law.

7. Copy of this order be communicated to the parties/learned counsel for the parties and the Authority, Gurugram for information and compliance.

8. File be consigned to the record.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal  
Chandigarh

Inderjeet Mehta  
Member (Judicial)

Anil Kumar Gupta  
Member (Technical)

27.03.2023  
Manoj Rana