



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

SUO-MOTU COMPLAINT NO. 2343 OF 2023

HRERA Panchkula

....COMPLAINANT

VERSUS

1. Sh. Anuj Chauhan
2. Mudra Finance Ltd.
3. Vipul Ltd.

....RESPONDENTS

CORAM:	Parneet S Sachdev	Chairman
	Nadim Akhtar	Member
	Dr. Geeta Rathee Singh	Member
	Chander Shekhar	Member

Date of Hearing: 18.04.2024

Hearing: 4th

Present: - Sh. Anuj Chauhan, respondent no.1 in person, through VC.
Adv. Vineet Sehgal, counsel for respondent no.2 and 3, through VC.

ORDER : (PARNEET S SACHDEV- CHAIRMAN)

1. Captioned complaint was filed by respondent no.1 (Mr. Anuj Chauhan) for refund of the pre-deposit amount of Rs.17,61,798/- received from Haryana Real Estate Appellate Tribunal pursuant to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.
2. Respondent no.1 in present complaint had earlier filed a complaint before Authority bearing complaint no. 903 of 2020 titled as “Anuj Chauhan v. M/s Mudra Finance Ltd.”, wherein he prayed for relief of refund. He had paid Rs. 13,17,053/- against total sale consideration of Rs. 32,17,053/- as possession had not been made until then. Authority heard the case and observed that since there was a delay of more than three years by the builder, it amounted to a substantial breach of agreement by respondent builder. In view of the said observation, Authority accepted the prayer of complainant (present respondent no.1) and allowed relief of refund of amount of Rs. 13,07,008/- along-with interest i.e. Rs.17,61,798/- vide order dated 07.07.2022.
3. Further, respondent no.2, i.e., M/s Mudra Finance Ltd. and respondent no.3, i.e., M/s Vipul Ltd., preferred an appeal against the above order of Authority before Hon’ble Tribunal bearing appeal no. 51 of 2023, wherein vide order dated 15.05.2023, Hon’ble tribunal dismissed the appeal and directed that amount as paid by the respondent deserves to be



refunded. Relevant part of the said order is reproduced below for reference: -

“...15. Consequently, we find no merit in the present appeal filed by the appellant/promoter and therefore, the same is hereby dismissed.

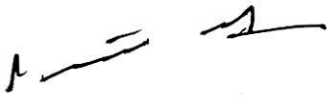
16. The amount of Rs.17,61,798/- deposited by the appellant/promoter with this Tribunal as pre-deposit to comply with the provisions of proviso to Section 43(5) of the Act, along with interest accrued thereon, be sent to the Authority for disbursement to the respondent/allottee subject to tax liability, if any, as per law.”

4. Further, when case was listed for hearing before this Authority on 16.11.2023, respondent no.2 and 3 apprised the Authority that order dated 15.05.2023 passed by Hon’ble Tribunal has also been challenged before Hon’ble Punjab and Haryana High Court. In view of such filing of appeal before Hon’ble High Court, respondent no.2 and 3 requested that amount may not be disbursed.
5. Furthermore on other two dates of hearings, counsel appearing on behalf of respondent no.2 and 3 were unable to provide the status of appeal. However, today during the hearing he affirmed that appeal is still pending bearing no. 118 of 2023. Further, on being enquired by Authority as to whether any stay is operating on said order of Hon’ble Tribunal, it is




submitted by counsel for respondent no.2 and 3 that no stay operates on that order.

6. Therefore, in view of no stay operating on order of Hon'ble Tribunal, present complaint is disposed with direction to the office to disburse the amount of Rs 17,61,798/- to respondent no. 1, within 7 days.
7. The complaint is **disposed of** accordingly. File be consigned to record room.


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PARNEET S SACHDEV
[CHAIRMAN]


.....
NADIM AKHTAR
[MEMBER]


.....
DR. GEETA RATHEE SINGH
[MEMBER]


.....
CHANDER SHEKHAR
[MEMBER]