

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.410 of 2023

Date of Decision: February 07,2025

TDI Infrastructure Limited, Mahindra Tower, 2A, Bhikaji
Cama Place, New Delhi-110066

Appellant.

Versus

1. Kamal Dhamija

2. Rakhi Dhamija

Residents of 36/520, New Moti Nagar, New Delhi-110015.

Respondents

Present : Mr. Shubhnit Hans, Advocate for the appellant.
Mr. Roopak Bansal, Advocate for the respondents.

CORAM:

Justice Rajan Gupta
Rakesh Manocha

Chairman
Member (Technical)
(Joined through VC)

ORDER:

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against order dated 08.07.022, passed by the Authority¹. Operative part thereof reads as under:

“4. As per details of amount paid by complainant attached at page No. 36 of the complaint and Annexure R-7 of reply filed by respondent complainant has paid total amount of Rs.33,20,428/-. Thus, as per calculations made by Accounts Branch, amount payable by the respondent to the complainants along with interest has been worked out

¹ Haryana Real Estate Regulatory Authority, Panchkula

to Rs.60,03,110/- (Rs.33,20,428/-+ Rs.26,82,682/-). Therefore, Authority directs the respondent to refund Rs.60,03,110/-.

5. In Complaint No. 1024 of 2019, as per calculations made by Accounts Branch, amount payable by the respondent to the complainant along with interest has been worked out to Rs.40,60,355/- (Rs.23,96,727/-+ Rs.22,63,628/-). Therefore, Authority directs the respondent to refund Rs.46,60,355/-.

6. In Complaint NO. 1201 of 2019, as per calculation made by Accounts Branch, amount payable by the respondent to the complainant along with interest has been worked out to Rs.45,03,103/- (Rs.25,01,107/-+ Rs.20,01,996/-). Therefore, Authority directs the respondent to refund Rs.45,03,103/-.

7. Respondent shall pay the entire amount to the complainants within 90 days of uploading this order on the web portal of the Authority.

Disposed of in these terms. Files be consigned to the record room and the orders be uploaded on the website of the Authority.”

2. At the out-set, Mr. Shubhnit Hans submits that he has clear instructions from the appellant-company to refund the amount due to the allottees as per the aforesaid order.

3. Mr. Roopak Bansal, counsel for the respondents, on instructions from one of the allottee-Kamal Dhamija, who is present in Court, submits that he shall be satisfied if the amount as decided by the Authority is remitted to him and the co-allottee.

4. Admittedly, the allottees have already preferred an execution petition before the Adjudicating Officer at Panchkula.

5. In view of the above, it would be in the interests of

justice if a direction is issued to the executing court to expedite the proceedings and ensure that the same culminate in a fixed-time frame, in any case not later than four months, after opportunity of hearing is afforded to the parties. Ordered accordingly.

6. The amount of pre-deposit made by the appellant at the time of filing of appeal along with interest accrued thereon be remitted to the Authority, to be retained by it till the culmination of execution proceedings, to be disbursed as per entitlement.

7. The appeal stands disposed of.

8. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)
(Joined through VC)

February 07, 2025
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