



HARERA
GURUGRAM

**HARYANA REAL ESTATE REGULATORY AUTHORITY
GURUGRAM**

हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विश्राम गृह, सिविल लाईंस, गुरुग्राम, हरियाणा

PROCEEDINGS OF THE DAY

14

Day and Date	Tuesday and 11.02.2025
Complaint No.	MA NO. 791/2024 in CR/5150/2021 Case titled as Manav Beri and Abhishek Kashyap VS Manglam Multiplex Private Limited
Complainant	Manav Beri and Abhishek Kashyap
Represented through	None
Respondent	Manglam Multiplex Private Limited
Respondent Represented through	Ms. Shriya Takkar and Ms. Smriti Srivastava Advocates
Last date of hearing	Appl. u/s 39 of the Act/3.12.2024
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings-cum-order

The aforesaid complaint was disposed of vide order dated 09.04.2024 passed by the authority wherein the Authority directed the respondent to refund the amount after deduction of 10% of the sale consideration from the date of cancellation till the actual date of refund of the deposited amount. An application dated 18.10.2024 was filed by the complainant for rectification of order dated 09.04.2024.

Vide said application for rectification of order dated 09.04.2024, the respondent has sought following rectification-

<u>S.no</u>	<u>Changes proposed</u>	<u>Finding of the authority</u>
		<u>Proposed change as per application filed by the complainant</u>



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1.	The amount paid by the complainant is Rs. 1,76,99,116/- not Rs. 1,75,49,420/-	
2.	It is absolutely clear that the refund amount of Rs.1,45,05,605/- was accepted by the Complainants on 17.06.2022 without any protest or demur, however the cheque was misplaced by the Complainant and not traced. It is submitted that the Respondent cannot be held liable to pay interest on the amount already refunded to the Complainants being Rs.1,45,05,605/- post 17.06.2022 as the Complainant No.2 due to his own fault had lost the cheque amounting to Rs.72,52,802.00/-. Thus, paying the interest would amount to the Complainant No.2 getting advantage of his own wrong. Accordingly, the interest on the amount already refunded i.e. Rs.1,45,05,605/- should cease on 17.06.2022 as on getting the DD made the amount aforesaid got deducted from the Applicant/Respondent's account	

The counsel for the respondent states that the amount paid by the complainant was Rs.1,76,99,116/- instead of Rs.1,75,49,420/-. The amount was refunded by way of RTGS to complainant No.1 on 17.06.2022 and a cheque was made in favor of second allottee/complainant no.2 who however misplaced the cheque and on his request a renewed cheque was issued on 20.12.2022 which was encashed on 27.12.2022 and hence, the respondent may not be burdened with the interest from the date of payment of refund through RTGs/cheque.

The application for rectification is allowed to the extent of amount as per SoA i.e. Rs.1,76,99,116/- but the calculation of interest till date of issuance of the



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cheque will amount to review of the order which is barred under the proviso to Section 39 of the Act, 2016. Accordingly the said relief is declined. File be consigned to the registry.

Ashok Sangwan
Member

Arun Kumar
Chairman
11.02.2025

Vijay Kumar Goyal
Member