

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.938 of 2024**Date of Decision: May 01,2025**

Bharat Singh, H. No. 991-A, Housing Board Colony, Sector 15,
Hissar, Haryana

Appellant.

Versus

M/s Parsvnath Developers Ltd., Parsvnath Tower, near Shahdara
Metro Station, Shahdara, New Delhi-110032

Respondent.

CORAM:

Justice Rajan Gupta
Rakesh Manocha

Chairman
Member (Technical)
(joined through VC)

Present: Mr.Shubhnit Hans, Advocate for the appellant.

O R D E R:**RAJAN GUPTA, CHAIRMAN (ORAL):**

Present appeal is directed against order dated 08.11.2023, passed by the Authority¹, whereby the complaint has been dismissed.

2. It appears that in September, 2010, appellant-Bharat Singh booked an apartment in the project floated by the respondent-promoter by remitting an amount of

¹ Haryana Real Estate Regulatory Authority, Panchkula

Rs.2,50,000/-. The complainant made various payments thereafter. The promoter issued reminders to the appellant to make balance payment but having received no response, the unit was cancelled vide letter dated 12.03.2012.

3. The complainant claims to have remitted total amount of Rs.8,67,750/- in the following manner:

Amount paid	Date of payment	Mode of Payment
2,50,000/-	20.09.2010	Cash
3,00,000/-	30.10.2010	Cheque
3,17,750/-	10.05.2011	Cash

4. Out of the above amount, the respondent-promoter only admits having received Rs.3,00,000/-.

5. Admittedly, amount of Rs.3,00,000/-was paid vide cheque No. 228209 dated 30.10.2010 (Annexure P-2). After cancellation of the unit, the appellant remained quiet for a period of eight years. He invoked jurisdiction of the Authority in April, 2021 i.e. almost eleven years after he made the payment of Rs.3,00,000/- to the promoter.

6. The enactment i.e. The Real Estate (Regulation and Development) Act, 2016 (hereinafter described as ‘the Act’) came into force vide notification dated 19.04.2017. It is inexplicable as to how present dispute falls within the purview of the Act. It appears that the promoter was left with no option but to forfeit the amount of Rs.3,00,000/- remitted by the appellant as earnest money and cancel the

allotment as the appellant never took any further steps after remitting Rs.3,00,000/-.

7. The contention raised before this Bench that cancellation letter dated 12.03.2012 was never served on the appellant thus, cannot be believed. It is also inexplicable as to how the appellant remained quiet for eleven years and never made any enquiry about fate of the project after having remitted Rs.3,00,000/- in October, 2010. Besides, the dispute pertains to a period much before the special enactment came into force.

8. We find no infirmity with the order passed by the Authority. The appeal is without any merit and is hereby dismissed.

9. As the order has been passed on merits, no order needs to be passed in the application seeking condonation of delay.

10. Copy of the order be sent to the parties/counsel and the Authority for information.

11. File be consigned to records.

Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)
(joined through VC)

May 01,2025
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