

**PROCEEDINGS OF THE DAY**
**7**

|                        |                                                                                                            |
|------------------------|------------------------------------------------------------------------------------------------------------|
| Day and Date           | Wednesday and 16.07.2025                                                                                   |
| Complaint No.          | CR/2977/2024 Case titled as Poonam Agarwal VS M3M India Private Limited & Chetan Kapur and Abhimanyu Kapur |
| Complainant            | Poonam Agarwal                                                                                             |
| Represented through    | Shri Rohit Vashisht proxy counsel                                                                          |
| Respondent             | M3M India Private Limited & Chetan Kapur and Abhimanyu Kapur                                               |
| Respondent Represented | Ms. Shriya Takkar Advocate                                                                                 |
| Last date of hearing   | 02.07.2025                                                                                                 |
| Proceeding Recorded by | Naresh Kumari and HR Mehta                                                                                 |

**Proceedings-cum-order**

The present complaint has been received on 10.07.2024 and the reply on behalf of respondent no. 2 & 3 was received on 08.01.2025, whereas the respondent no.1 has filed an application for dismissal of complaint stating that the complainant through her broker has approached the respondent and submitted an Expression of Interest (EOI) for booking/allotment of 10 commercial units in one of the projects of respondent. The complainants along with the Expression of Interest (EOI) also tendered a sum of Rs. 30,00,000/- towards the confirmation of her EOI for booking/allotment of 10 units. The respondent post discussions with the complainant and as per her request had given her an option of selecting a ready to move in unit or a unit in one of its projects where the project was at the stage of final completion. Pursuant to EOI and discussions between the parties, the respondent no.1 issued acknowledgement letter vide which the complainant was informed that the allotment of the units is subject to final selection of the units as per availability, confirmation of booking, completion of all booking formalities and execution of all requisite documents at the complainant's end so as to facilitate the allotment of the unit and transfer of funds in the project. The complainant was also informed through the letter that in the event, the booking formalities are not completed by the complainant, or the unit was selected by her, or requisite documents are not executed, the



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हरियाणा भू-संपदा विनियामक प्राधिकरण, गुरुग्राम

CR/297/2024

New PWD Rest House, Civil Lines, Gurugram, Haryana

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

respondent at its sole discretion reserves its right to cancel the EOI. The complainant neither came forward to select the unit nor completed the booking formalities. Thereafter, on 14.12.2023, the complainant suddenly informed the respondent vide email that she wishes to cancel her EOI and sought full refund of the amount paid at the earliest.

Consequently on 08.01.2024, the respondent no.1, acceding the request of the complainant, cancelled the EOI and issued termination of expression of interest for the 10 units and refunded the complete amount of Rs.30,00,000/- to the complainant. Therefore, the complainant has neither any cause of action nor any locus standi to file the present complaint against respondent no.1. Further, the complainant ought to file separate complaints for every booking as there are 10 units for which 10 different acknowledgement letters were issued and the complainant cannot file single complaint for all bookings/EOI.

The complainant vide reply to the application for dismissal has submitted that for the booking of units, only one application form (Expression of Interest) was submitted and the respondent in turn acted on the same application for allotment. The respondent never asked the complainant to submit separate application for each unit proposed to be allotted. Further, the complainant submitted amount of Rs.30,00,000/- for single application and paid Rs.26,49,126/- through broker without any bifurcation from the respondent no.1. The respondent no.1 refunded the amount without mentioning the bifurcation/details as to which amount is part of which unit the refund relates. The respondent no.1 treated booking as one allotment at all stages and for all purposes. Furthermore, the cancellation request which was forwarded was only through one email and in the same, separate unit no.s were not mentioned. The builder buyer agreement was never executed despite repeated requests from the complainant, the partial amount was refunded by the respondent no.1 not separately but jointly. At present, the claim is for refund of balance amount, hence only one complaint was filed which is justified and warranted.

After considering the documents available on record as well as submissions made by the parties, the Authority is of considered view that the complainant is at default and the respondent no.1 has rightly terminated the booking on failure of the complainant to come forward to complete the booking formalities and finalization of the allotment and has also refunded the full amount received by it i.e., Rs.30,00,000/- to the complainant. The complainant has submitted that apart from Rs.30,00,000/-, the respondent no.1 had demanded Rs.26,49,126/- in cash through broker (respondent no.2) and the same was duly paid (Rs.9,00,000/- paid in the account of mother of respondent no.2 on 01.09.2021 + Rs.9,00,000/- transferred in account of



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respondent no.2 on 31.08.2021 + Rs.8,49,126/- paid in cash) through respondent no.2 to respondent no.1. However, there is nothing on record to substantiate the said claim of complainant. Moreover, the complainant is unable to show any proof of payment other than Rs.30,00,000/- which has been made to the respondent no.1 towards the said booking. Therefore, after considering the above said facts, no case for refund is made out.

Thus, the present complaint stands dismissed being devoid of merits. File be consigned to the registry.

Ashok Sangwan  
Member  
16.07.2025