

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.690 of 2023

Date of Decision: 06.08.2025

M3M India Pvt. Ltd. Registered office at 41 floor, Tower-1, M3M International Financial Centre, Sector 66, Gurugram-122002, Haryana.

Appellant

Versus

Mr. Sanjeev Rampal R/o House No. 570, Sector 28, Faridabad-121003, Haryana.

Respondent

CORAM:

**Justice Rajan Gupta
Shri Rakesh Manocha**

**Chairman
Member (Technical)**

Present: Mr. Aman Arora, Advocate,
for the appellant

Mr. Prabhat Kumar, Advocate,
for the respondent.

O R D E R:

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against order dated 17.10.2023 passed by the Adjudicating Officer at Gurugram¹. Operative part thereof reads as under:-

“After showing, said amount of Rs.80,19,607/-, the Accounts Officer deducted Rs.8,79,616/- i.e. 10% of sale consideration as was allowed by the Authority. In this way, amount recoverable from the JD as on 31.05.2023 was Rs.71,39,991/- and not Rs.80,19,607/- as has been mentioned in the Recovery Certificate.

Let a copy of this order be sent to Collector, Gurugram

¹ Haryana Real Estate Regulatory Authority, Gurugram

with clarification that amount recoverable from JD as on 31.05.2023 was Rs.71,39,991/-. It is to be recovered along with interest @ 10.75% p.a. till the day of realization. Another copy of order be given to both of parties to be served upon the Collector, Gurugram.

Application/objection raised by JD are thus disposed off. There is no need to recall the Recovery Certificate. Request in this regard is thus declined.

File be sent back to record room.”

2. Learned counsel for the appellant submits that in the aforesaid order amount of Rs.21,51,277/-, which has already been remitted to the allottee, does not find mention. It has also not been clarified as to how statutory dues are recoverable from the promoter. He, thus, prays that the matter be remitted to the Authority for decision afresh.

3. Learned counsel for the respondent submits that the allottee admits that he received an amount of Rs.21,51,277/-.

4. In view of the stand taken by learned counsel for the parties, this Bench feels that the matter needs to be remitted to the same Authority for decision afresh. Even otherwise, it finds that the operative part of the order is cryptic in nature. Thus, the impugned order is hereby set aside and the matter is remitted to the Adjudicating Officer for decision afresh after affording opportunity of hearing to the parties.

5. Appeal is allowed in these terms.

6. Parties are directed to appear before the Adjudicating Officer on 27.08.2025 at 11:00 AM sharp.

7. The amount of pre-deposit made by the appellant-

promoter in terms of proviso to Section 43(5) the Act along with interest accrued thereon, be remitted to the Authority to be disbursed as per entitlement of the parties after decision of the matter by the Executing Court.

8. The Executing Court shall endeavor to decide the matter expeditiously in any case, not later than four months.

9. File be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)
Joined through VC

06.08.2025
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