



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Complaint no.:	711 of 2024
Date of filing:	22.05.2024
First date of hearing:	29.07.2024
Date of decision:	04.08.2025

1. Madhu Sareen
R/o A2/186, First Floor,
Safderung Enclave,
New Delhi-110029
2. Kailash Sareen
R/o A2/186, First Floor,
Safderung Enclave,
New Delhi-110029

Versus

.....COMPLAINANTS

BPTP Ltd.
M-11, Middle Circle,
Connaught Place, New Delhi-110001

.....RESPONDENT

CORAM: Nadim Akhtar

Member

Chander Shekhar

Member

Present: - Adv. Nitin Kant Setia, Counsel for the complainants through VC.

Adv. Hemant Saini, Adv. Neha and Adv. Himanshu Monga, counsels
for the respondent

ORDER (NADIM AKHTAR-MEMBER)

1. Relevant portion of the last order dated **07.04.2025** passed by the Authority is reproduced as under:

"As per the last order dated 03.02.2025, learned counsel for the complainants accepted the cheque in the Court itself. It was further directed that in the event complainant finds any discrepancy in the receivable and payable amounts, they shall be at liberty to file objections in the registry, with an advance copy supplied to the opposite party.

Learned counsel for the complainant appeared and submitted that the respondent has not yet calculated or disclosed the total interest accrued on account of delayed possession, nor has he clarified the rate at which the said interest has been calculated. Despite previous directions, the respondent has failed to provide the same till date. He further contended that the respondent has deducted TDS, which has not been reflected in the account statement annexed by the respondent.

On the other hand, learned counsel for the respondent submitted that the total refund amount payable to the complainant is ₹73,35,838/-, and TDS amounting to ₹4,27,955/- has been deducted. He stated that the TDS has been deducted in accordance with the judgment of the Hon'ble Supreme Court. The interest has been calculated at the rate of 11.1%. He requested some time to file an application indicating the detailed calculation of the interest amount. His request is accepted.

In response, learned counsel for the complainant submitted that as per the judgment of the Hon'ble Bombay High Court, TDS is applicable on refund only if the amount qualifies as income of the allottee. He requested the Authority to grant time to place the said judgment on record.

The Authority directs both parties to place on record the judgments referred to above. The respondent is specifically directed to submit a document detailing the interest amount payable to the complainant, including the rate of interest applied and the manner in which it has been calculated, with an advance copy supplied to the opposite party. In



case the complainant finds any discrepancy in the principal amount, interest amount, or the rate of interest applied, the complainant shall be at liberty to file rebuttal to the said application."

2. Today, learned counsel for the complainant appeared and submitted that the issue with regard to **TDS stands resolved** on the part of the complainants. He verbally confirmed that no further issue remains in this regard.
3. Authority further observes that in the earlier order dated **03.02.2025**, the following was recorded:

"Learned counsel for the respondent stated that the complainant had claimed refund of ₹34,05,872/-. However, out of this amount, one cheque amounting to ₹3,49,580/- had been dishonored. As a result, the total amount received by the complainant stands at ₹30,56,292/-.

The learned counsel for respondent further submitted that the respondent has calculated the total refund amount of ₹73,35,838/-, which includes ₹69,07,883/- as the refund amount payable to the complainant plus ₹4,27,955/- (TDS). He presented the following four cheques amounting to ₹69,07,883/-:

- a) Cheque No. 755685 – ₹15,28,146/- dated 30.01.2025
- b) Cheque No. 755688 – ₹19,25,796/- dated 30.01.2025
- c) Cheque No. 755687 – ₹19,25,795/- dated 30.01.2025
- d) Cheque No. 755686 – ₹15,28,146/- dated 30.01.2025

The Authority inquired from the learned counsel for the complainant whether the complainant was willing to accept the refund of the amount paid in the present complaint. The complainant responded affirmatively. The Authority further inquired whether the complainant was willing to accept the cheques presented by the respondent, to which the complainant gave his consent.

Learned counsel for the complainant accepted the cheques in the Court itself. It was directed that if the complainant finds any discrepancy in the



receivable and payable amounts, they may file objections in the registry, with an advance copy supplied to the opposite party."

4. It is evident from the record that the complainant accepted the cheques in the Court and thereby accepted the refund of the entire amount claimed, indicating that the complainant was no longer interested in seeking possession of the unit.
 5. During the hearing held on 07.04.2025, the only remaining issue pertained to the calculation of interest and deduction of TDS. However, today, learned counsel for the complainant has confirmed that no dispute remains in respect of the TDS and interest, and hence, no issue remains pending adjudication.
 6. Accordingly, since the refund amount has been accepted, and considering the verbal submissions of the counsel for complainant that no issue now survives for consideration, the Authority deems it appropriate to dispose of the present complaint as fully resolved.
 7. In view of the aforesaid observation, the present case is hereby **dismissed** and accordingly stands disposed of.
- File be consigned to the record room after uploading of this order on the website of the Authority.


CHANDER SHEKHAR
[MEMBER]


NADIM AKHTAR
[MEMBER]