

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

**Appeal No.46 of 2024**

**Date of Decision: 23.05.2025**

Penny Bhandari, F-10/8, Ground Floor, Vasant Vihar, New  
Delhi – 110 057

Appellant

Versus

Ninaniya Estates Ltd., Regd. Office at 160, Karni Vihar,  
Ajmer Road, Near Rawat Mahila College, Jaipur - 302 021  
Rajasthan.

Respondent

**CORAM:**

**Justice Rajan Gupta  
Shri Rakesh Manocha**

**Chairman  
Member (Technical)**

Present : Ms. Vertika H.Singh, Advocate  
For the appellant

Mr. Yashvir Singh Balhara, Advocate, along with  
Mr. Prateek Rao, Director of the respondent-company

**O R D E R:**

**JUSTICE RAJAN GUPTA, CHAIRMAN :**

Present appeal is directed against order dated  
13.09.2023 passed by the Authority<sup>1</sup> at Gurugram.  
Operative part thereof reads as under :-

*“34. Hence, the authority hereby passes this order and issues the following directions under section 37 of the Act to ensure compliance of obligations cast upon the promoter as per the function entrusted to the authority under section 34(f) :*

- i. The respondent/promoter is directed to refund the entire amount paid by the complainant in all the above-mentioned cases along with prescribed rate of interest @ 10.75% p.a. as prescribed under rule 15 of the Haryana Real Estate (Regulation & Development) Rules, 2017 from the date of each payment till the date of refund of the deposited amount after adjusting the*

---

<sup>1</sup> Haryana Real Estate Regulatory Authority at Gurugram

*amount/assured return paid by respondent, if any.*

- ii. A period of 90 days is given to the respondent to comply with the directions given in this order and failing which legal consequences would follow.*

*35. This decision shall mutatis mutandis apply to cases mentioned in para 3 of this order.*

*36. The complaints stand disposed of.*

*37. Files be consigned to the Registry.”*

2. During the course of hearing, liberty was granted to the parties to explore the possibility of amicable settlement. Consequently, following order was passed on 02.04.2025 :-

*“ On the last date of hearing, the following order was passed in this case:*

*Learned counsel submit that they need some more time to explore the possibility of amicable settlement in view of enabling provision contained in Section 32(g) of the RERA Act.*

*In light of above, one more opportunity is granted.*

*List on 02.04.2025.*

*Today, learned counsel submit that it has not been possible to settle the matter so far. There is nothing to show that any meeting was held between the parties.*

*Under these circumstances, it is directed that the appellant either personally or through her authorised representative and one of the Directors of the respondent-company shall remain present before this Bench on the next date of hearing to explore the possibility of amicable settlement.*

*List on 23.05.2024.”*

3. Today, learned counsel for the appellant submits that an offer has been made by the promoter for settling the entire issue by remitting an amount of Rs.12 lacs to the allottee. Out of this

amount, Rs.6 lacs have already been received by the allottee. Rest of the amount is to be remitted by the respondent on or before 20<sup>th</sup> of July, 2025.

4. Mr. Balhara, on instructions from Mr. Prateek Rao, one of the Directors of the respondent-company, who is present in Court, does not controvert the aforesaid statement. He submits that the balance amount shall be remitted to the allottee on or before 20<sup>th</sup> of July, 2025. Mr. Prateek Rao states that a post-dated cheque shall be sent to the allottee at the earliest in any case, not later than one week.

5. In light of above, statements of Ms. Vertika H.Singh, counsel for the appellant and Mr. Prateek Rao, one of the Directors of the respondent-company have been recorded. Same are taken on record as Mark-‘A’ and Mark-‘B’.

6. In view of above, no lis survives in the present appeal and same is hereby disposed of with liberty to either party to seek revival in the event of any change of circumstances.

7. Copy of this order be forwarded to the parties/their counsel and the Authority below.

8. File be consigned to the records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Rakesh Manocha  
Member (Technical)  
(joined through VC)

23.05.2025  
dg