



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

Date of decision:	26.05.2025
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Name of Builder	BPTP Ltd. and Another
Name & Location of Project	"Park Elite Premium Parkland, Sector-84, Faridabad

HRERA Panchkula (Suo Motu)

.....Complainants

Versus

Sr. No.	Complaint No(s).	Details of Respondents
1.	1211 of 2020	Ritu Sareen R/o A2/186 FF, Safadarjung Enclave, New Delhi - 110029Respondent no. 1 BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2
2.	1267 of 2020	Shalini Gupta R/o Flat No.2174, C-2, Vasantkunj, New Delhi - 110070Respondent no. 1 BPTP LTD Registered office at M-11, Middle Circle,

		Connaught Circus, New Delhi - 110001Respondent no. 2
3.	1271 of 2020	Yojna Khotar R/o #910 A, Sector-29, FaridabadRespondent no. 1 BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2
4.	1272 of 2020	Pawan Kumar Jagotra R/o # A-24, Street No.13, Behind Nalanda Public School, Mandawali, New Delhi-110092Respondent no. 1 BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2
5.	1275 of 2020	Madhu Sareen R/o A2/186, FF, Safadarjung Enclave, New Delhi - 110029Respondent no. 1 BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2
6.	1276 of 2020	Raj Ratti R/o House No.2287, First Floor, Aravali Vihar, Sector-49, Sainik Colony, Faridabad, HaryanaRespondent no. 1



		<p>BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2</p>
7.	1280 of 2020	<p>Jai Prakash Gupta R/o B-22, Gali No.07, Behind St. Soldier Divine Public School, Santokh Nagar, Hoshiarpur, Punjab - 146001Respondent no. 1</p> <p>BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2</p>
8.	1282 of 2020	<p>Meenakshi Kwatra R/o #13/110, Geeta Colony, New Delhi - 110031Respondent no. 1</p> <p>BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2</p>
9.	1283 of 2020	<p>Sachin Wadhwa R/o House No.81, M.D.C, Sector-4, PanchkulaRespondent no. 1</p> <p>BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2</p>



10.	1284 of 2020	Arup Kumar Banerjee R/o 13/341, 2 nd Floor, Madangir, DDA Flats, New Delhi - 110062Respondent no. 1 BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2
11.	1286 of 2020	Yogesh R/o 4164, 2 nd Floor, Sector-68, Mohali PunjabRespondent no. 1 BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2
12.	1289 of 2020	Manish Sharma R/o #480, Badarpur, New Delhi-110044Respondent no. 1 BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2
13.	1290 of 2020	Priyadarshi Kumar Singh R/o C/O Meera Kumari Singh, p.o. Kinabaga, Garposh, District Sambalpur, Orissa 768224Respondent no. 1 BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2
14.	1291 of 2020	Sanjiv Mehrotra R/o A-1/279, Paschim Vihar, New Delhi - 110063



		<p>.....Respondent no. 1</p> <p>BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001</p> <p>.....Respondent no. 2</p>
15.	1266 of 2020	<p>Akshita Sharma R/o Flat No.D2/303, Summer Palms Society, Sector-86, Greater Faridabad, Haryana</p> <p>.....Respondent no. 1</p> <p>BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001</p> <p>.....Respondent no. 2</p>
16.	1268 of 2020	<p>Babita Kaushik R/o #117, Mahipalpur, New Delhi</p> <p>.....Respondent no. 1</p> <p>BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001</p> <p>.....Respondent no. 2</p>
17.	1270 of 2020	<p>Kamal Jain R/o D-1/15, Front First Floor, Janakpuri, New Delhi - 110058</p> <p>.....Respondent no. 1</p> <p>BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001</p> <p>.....Respondent no. 2</p>
18.	1273 of 2020	<p>Antony Vargese R/o D2/408, Summer Palms Apartments, Sector-86, Faridabad</p> <p>.....Respondent no. 1</p>



		<p>BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2</p>
19.	1278 of 2020	<p>Puran Sharma R/o #901, Sorrento Towers, Omaxe Heights, Sector-86, Neharpar, Faridabad- 121002Respondent no. 1</p> <p>BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2</p>
20.	1279 of 2020	<p>Neera R Pathak R/o DH-10, Deen Dayal Nagar, Airport Road, Gwalior, Madhya Pradesh- 474005Respondent no. 1</p> <p>BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2</p>
21.	1281 of 2020	<p>D K Vijn R/o House No.81, M.D.C, Sector-4, PanchkulaRespondent no. 1</p> <p>BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2</p>



22.	1285 of 2020	Nikhil Malhotra R/o E-60, Kalkaji, New Delhi - 110019Respondent no. 1 BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2
23.	1287 of 2020	Rajdeep Kaur Bhamrah R/o 752/7, 1st Floor, Govind Puri, Kalkaji, New Delhi - 110019Respondent no. 1 BPTP LTD Registered office at M-11, Middle Circle, Connaught Circus, New Delhi - 110001Respondent no. 2

CORAM: Nadim Akhtar
Chander Shekhar

Member
Member

Present: Adv. Hemant Saini, Adv. Himanshu Monga, Adv. Neha, counsels for respondent no. 2 in all complaints.

None for respondent no. 1 in all complaints.

ORDER: (NADIM AKHTAR-MEMBER)

1. That Appeal No. 44 of 2019 was disposed of by the Hon'ble Real Estate Appellate Tribunal vide its order dated 27.08.2019. The relevant portion of the said order is extracted herein below for ready reference:



"Para 12.. The amount, if any, deposited by the appellant/promoter with this Tribunal be transferred to the account of learned Real Estate Regulatory Authority, Panchkula..

2. In compliance of the order of the Hon'ble Tribunal dated 27.08.2019, the captioned suo motu complaints were initiated by the Authority for refund of pre-deposit amounts deposited by Respondent No. 2 (M/s BPTP Ltd.) in the Hon'ble Appellate Tribunal in terms of orders passed by the Hon'ble Real Estate Appellate Tribunal, Haryana on 27.08.2019. The details of the complaints, appeal numbers, and corresponding amounts are as under:

Sr. No	Suomoto complaint no.	Appeal No.	Date of Order in appeal	Pre-deposit Amount (₹)	Relevant part of order
1.	1275-2020	42 of 2019	27.08.2019	2,66,637/-	The amount, if any deposited by the appellant/promoter (BPTP Ltd) with this Tribunal be transferred to the account of learned Real Estate Regulatory Authority, Panchkula
2.	1276-2020	26 of 2019	27.08.2019	1,84,593/-	
3.	1278-2020	49 of 2019	27.08.2019	1,89,695/-	
4.	1273-2020	57 of 2019	29.08.2019	2,40,521/-	
5.	1268-2020	56 of 2019	29.08.2019	90,000/-	
6.	1271-2020	59 of 2019	29.08.2019	90,000/-	
7.	1272-2020	40 of 2019	27.08.2019	2,63,474/-	
8.	1290-2020	55 of 2019	29.08.2019	1,87,599/-	
9.	1267-2020	53 of 2019	29.08.2019	90,000/-	



10	1266-2020	51 of 2019	29.08.2019	90,000/-
11.	1211-2020	44 of 2019	27.08.2019	2,55,770/-
12	1282-2020	50 of 2019	29.08.2019	1,82,029/-
13	1283-2020	47 of 2019	27.08.2019	2,67,094/-
14	1284-2020	29 of 2019	27.08.2019	1,88,017/-
15	1285-2020	41 of 2019	27.08.2019	2,25,868/-
16	1279-2020	28 of 2019	27.08.2019	2,28,076/-
17	1280-2020	43 of 2019	27.08.2019	1,88,641/-
18	1281-2020	27 of 2019	27.08.2019	1,75,891/-
19	1291-2020	46 of 2019	27.08.2019	2,02,274/-
20	1270-2020	58 of 2019	29.08.2019	90,000/-
21	1289-2020	48 of 2019	27.08.2019	1,96,406/-
22	1287-2020	39 of 2019	27.08.2019	2,34,901/-
23	1286-2020	54 of 2019	29.08.2019	2,89,258/-

3. Captioned complaints were listed for hearing for the first time before the Authority on **12.01.2021**. During the proceedings, learned counsel for Respondent No. 2 sought time to obtain clarification regarding the order of the Hon'ble Real Estate Appellate Tribunal, submitting that the said order did not clearly specify the beneficiary to whom the pre-deposit amounts were to be disbursed. Thereafter, the case was again listed for hearing on **13.12.2022**,



on which date learned counsel for Respondent No. 2 sought some more time to obtain the necessary modification in the order passed in the appeal by the Hon'ble Real Estate Appellate Tribunal. His request was accepted. However, Respondent No. 2 continued to seek adjournments on multiple occasions thereafter, including on **20.03.2023, 16.05.2023, 26.09.2023, 19.12.2023, 04.03.2024, 08.07.2024, 30.09.2024** and **20.01.2025**.

4. On **28.04.2025**, the Hon'ble Real Estate Appellate Tribunal passed a modified order, providing the required clarification regarding the disbursement of pre-deposit amounts. The relevant observation of the Hon'ble Appellate Tribunal in its order dated 28.04.2025 is reproduced below:

"In our considered view, in view of the fact that appeal(s) were not entertained by this Tribunal, whatever amount was deposited along with the appeal cannot be retained by the Authority and the same needs to be disbursed to the promoter (M/s BPTP Ltd.).

Mr. Saini, however, on instructions from the appellant-company, submits that the principal amount, if refunded to the company, would be disbursed to the respective allottee(s).

The application stands disposed of.

Photocopy of his order be placed in files of Appeal no. 27, 28, 29, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58 and 59 of 2019"

This clarification provided by the Hon'ble Tribunal laid to rest the ambiguity regarding the disbursement of pre-deposit amounts, and the Authority has proceeded accordingly on 19.05.2025.



5. However, during the hearing held on 19.05.2025, learned counsel for Respondent No. 2 submitted that, in some complaints, the refund amount is to be released to Respondent No. 2 for onward disbursement to the respective allottees. In other cases, it was submitted that Respondent No. 2 has already settled the matters with the concerned allottees, and therefore, no refund is required to be made to them. Ld. counsel for respondent no. 2 also submitted that he is filing appeals before Hon'ble Appellate Tribunal for further clarification w.r.t. matters already settled by respondent no. 2. Respondent no. 2 was directed to intimate appeal numbers corresponding to the suo motu complaints initiated by the Authority. Learned counsel for Respondent No. 2 verbally submitted some complaint numbers wherein, according to him, the refund is to be made by the respondent no. 2 to the respective allottees. However, such oral submissions were not supported with a comprehensive or verifiable mapping of appeal numbers to the related complaint numbers, and hence did not sufficiently assist the Authority. Since only oral submissions were made by the learned counsel for respondent no. 2, which led to some confusion, the Authority passed following orders on 19.05.2025:

Learned counsel for respondent no. 2 appeared in all the captioned complaints and submitted that an order has been passed by the Hon'ble Appellate Tribunal on 28.04.2025, wherein respondent no. 2 has been



directed to refund the amounts to the allottees (respondents no. 1) in the captioned matters. He further submitted that respondent no. 2 is obligated to refund the amount only in Suo Motu Complaint No(s). 1211, 1267, 1271, 1272, 1275, 1276, 1280, 1282, 1283, 1284, 1286, 1289, 1290, and 1291 of 2020. In all other complaints, it was submitted that the matters have already been settled between the parties and respondent no. 2 is not liable to refund any amount to the allottee. He submitted that in this regard he is seeking modification of orders of Hon'ble Appellate Tribunal and will submit modifies/revised orders.

However, upon perusal of the order passed by the Hon'ble Appellate Tribunal, it is not clearly discernible in which specific complaints the refund is to be made to respondent no. 2. Accordingly, learned counsel for respondent no. 2 sought some time to file an affidavit providing clarity on the complaints in which the refund will be effected. His request is accepted.

Learned counsel for respondent no. 2 is directed to file an affidavit within three days from today, clearly stating the complaint numbers in which the refund is to be made to the respondent no. 1, so that the matter can be finally disposed of on the next date of hearing.

5. The orders of the Hon'ble Appellate Tribunal dated 28.04.2025 are very clear. However, due to miscommunication by the ld. counsel for the respondent no. 2, the above orders dated 19.05.2025 of the Authority were passed. Respondent no. 2 filed an affidavit on 22.05.2025 in the registry, wherein learned counsel for Respondent No. 2 has stated the specific complaint numbers in which the refund is to be made to the allottees (Respondents No. 1). The complaint numbers so mentioned are: **Complaint no(s). 1211, 1267,**



1271, 1272, 1275, 1276, 1280, 1282, 1283, 1284, 1286, 1289, 1290, and 1291 of 2020.

In the remaining complaints no(s) 1266, 1268, 1270, 1273 1278, 1279, 1281, 1285 and 1287 of 2020, it has been submitted that settlements have taken place or no appeal/ executions have been filed by the Allottees and the matters have been fully and finally settled. Respondent No. 2 submitted that in these complaints, he will be seeking further clarification from the Hon'ble Appellate Tribunal regarding the refund. Accordingly, he requested that the amounts therein be kept on hold until such clarifications are obtained.


6. The Authority, having considered the directions passed in the orders of the Hon'ble Real Estate Appellate Tribunal dated 27.08.2019 and 28.04.2025, as well as the application filed by Respondent No. 2 on 22.05.2025, is of the view that the Authority is duty bound to comply with the orders of the Hon'ble Appellate Tribunal. In compliance with the Hon'ble Tribunal's latest order dated 28.04.2025, the Authority deems it appropriate to direct its office to refund the pre-deposit amounts mentioned in the table in Para 2 of this order to Respondent No. 2 (M/s BPTP Ltd.), subject to the specific orders of the Hon'ble Tribunal that the principal amount, if refunded to the promoter, shall be disbursed to the respective allottees. Accordingly, Respondent No. 2



is hereby directed to ensure compliance of the orders of the Hon'ble Appellate Tribunal dated 28.04.2025.

In above terms, Authority deems appropriate to **dispose of** these complaints.

7. With the above observations and directions, the **captioned suo motu complaints stand disposed of**. Files be consigned to the record room after uploading of the order on the website of the Authority.



CHANDER SHEKHAR
[MEMBER]



NADIM AKHTAR
[MEMBER]