

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

CM No.784 of 2025

In Appeal No.279 of 2025

Date of Decision: September 04, 2025

Raheja Developers Ltd., registered office at W4D/204/5,
Keshav Kunj, Western Avenue, Carippa Marg, Sainik Farms,
New Delhi 110062

Appellant.

Versus

1. Arvinder Singh Aneja;

2. Preeti Aneja

Both residents of 9/13, Nehru Enclave East, New Delhi
110019

3. Haryana Shehri Vikas Pradhikaran (formerly known as
Haryana Urban Development Authority), registered
office at HSVP Office Complex, C-3, Sector 6, Panchkula
Haryana.

4. Gurugram Metropolitan Development Authority,
registered office at Plot No.3, Sector 44, Gurugram
Haryana 122003

5. Municipal Corporation of Gurugram, registered office at
Plot No.C-1, Info City, Sector 34, Gurugram Haryana

Respondents

Present: Mr. Yashvir Singh Balhara, Advocate and
Mr. Harshit Batra, Advocate,
for the appellant.

CORAM:

Justice Rajan Gupta
Rakesh Manocha

Chairman
Member (Technical)

O R D E R:

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against order dated 13.11.2024 passed by the Authority¹. Operative part thereof reads as under:

“i. The respondent/promoter is directed to refund the entire amount received by it from the complainants along with interest at the rate of 11.10% p.a. as prescribed under rule 15 of the Haryana Real Estate (Regulation and Development) Rules, 2077 from the date of each payment till the actual date of refund of the deposited amount.

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.

iii. The respondent is further directed not to create any third-party rights against the subject unit before full realization of the paid-up amount along with interest thereon to the complainants, and even if, any transfer is initiated with respect to subject unit, the receivable shall be first utilized for clearing dues of complainant/allottees.

40. This decision shall mutatis mutandis apply to cases mentioned in para No.23 of this order.

41. Complaint stands disposed of.

42. File be consigned to registry”

2. Appeal is accompanied with an application (CM No.784 of 2025) seeking waiver from pre-deposit required to be made along with appeal in view of proviso to Section 43(5) of the RERA Act².

3. Learned counsel for the appellant submits that the appellant-company is facing financial crunch due to over burden of government dues and taxes.

¹Haryana Real Estate Regulatory Authority at Gurugram

² Real Estate (Regulation and Development) Act, 2016

4. As per report from the Registry, despite the fact that the appellant has been directed by the Authority to refund the entire amount received by it from the allottees along with interest @ 11.10% p.a., it has preferred the instant appeal without making mandatory pre-deposit in terms of proviso to Section 43(5) of the RERA Act and the provisions upheld by the Hon'ble Supreme Court in **M/s Newtech Promoters and Developers Pvt. Ltd. v. State of U.P.**³.

5. Lack of funds or financial crunch being faced by a promoter is no ground for exempting him from making the pre-deposit. Even otherwise, there is no provision in the Act for such a concession.

6. In view of above, the application seeking waiver of pre-deposit is dismissed. Consequently, the appeal meets the same fate. The same is also dismissed.

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

8. File be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)
(joined through VC)

04.09.2025
Manoj Rana

³ 2022(1) RCR (Civil) 367