

**BEFORE THE HARYANA REAL ESTATE APPELLATE  
TRIBUNAL**

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**Date of Decision: September 08, 2025  
Appeal No. 13 of 2023**

1. Roshni Builders Private Limited, Registered office at 6<sup>th</sup> Floor, M3M Tee Point, North Block, Sector 65, Gurugram, Haryana 122101.

2. M3M India Private Limited Registered Office at SB/C/5L/008, M3M Urbana, Sector-67, Gurugram, Manesar Urban Complex, Gurugram, Haryana.
- ...Appellants

Versus

1. Ravi Kumar Kejriwal;

2. Rajni Kejriwal Both R/o 392, Shree Awas, Sector 18B, Dwarka, New Delhi-110078.
- ...Respondents

**CORAM:**

**Justice Rajan Gupta**  
**Shri Rakesh Manocha**

**Chairman**  
**Member (Technical)**

**Present:** Mr. Aman Arora, Advocate,  
for appellants.

Mr. Diwan Sharma, Advocate alongwith  
Mr. Nishant Kaushik, Advocate,  
for respondents.

**ORDER:**

**RAJAN GUPTA, CHAIRMAN (ORAL):**

Present appeal is directed against order dated 07.10.2022 passed by the Authority<sup>1</sup>. Operative part thereof reads as under:

*“ 20. 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):*

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

- i. *The respondents are directed to refund the balance amount after deducting the earnest money which shall not exceed the 10% of the basic sale consideration of the said unit and shall return the balance amount to the complainants. The refund should have been made on the date of cancellation i.e., 01.02.2022. Accordingly, the interest at the prescribed rate i.e., 10% is allowed on the balance amount from the date of cancellation to date of actual refund.*
- ii. *A period of 90 days is given to the respondents to comply with the directions given in this order and failing which legal consequences would follow.*
- 21. *Complaint stands disposed of.*
- 22. *File be consigned to registry.”*

2. It appears that respondent-allottees booked a unit in the project floated by the appellant in the name and style of ‘M3M Broadway’, Sector 71, Gurugram. Due date of possession was 31.10.2023. The complainants remitted an amount of Rs.59,48,986/- out of total sale consideration of Rs.1,28,98,220/-. The promoter took the stand that the respondent-allottees failed to abide by the terms of the agreement of sale as per the timeline. Thus, they had no option but to cancel the allotment of the allottees. The Authority after appreciation of the evidence, upheld the cancellation made by the promoter. It, thus, directed refund of the paid up amount after deducting earnest money not exceeding 10% of the basic sale price. It was also directed that the allottees would be entitled to get 10% interest on the balance amount from the date of cancellation till the date of actual refund.

3. As per Mr. Arora, the limited grievance of the appellant-company is that the statutory dues remitted by the promoter need to be returned to it. In this context, he has also referred to document Annexure A-17.

4. Learned counsel for the respondents submits that since the unit has been cancelled, the statutory dues such as GST are refundable.
5. In view of limited question involved, we deem it fit to dispose of the appeal with liberty to either parties to seek refund of the statutory dues, if permissible in law.
6. At this stage, Mr. Arora submits that in case the allottees applies for refund, the appellants shall grant no objection to it.
7. As the appeal has been disposed of in the above terms, it will be in the interests of justice to remit the amount of pre-deposit along with interest accrued thereon to the Authority below for disbursement to the parties as per their entitlement, subject to tax liability, if any, as per law.
8. The copy of this order be sent to parties/their Ld. counsel and the Ld. Authority for compliance.
9. File be consigned to the records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Rakesh Manocha  
Member (Technical)

08.09.2025  
Rajni