

PROCEEDINGS OF THE DAY

Day and Date	Friday and 12.12.2025
Complaint No.	MA NO. 659/2025 in CR/3229/2023 Case titled as Navinder Singh Narula VS Advance India Projects Limited
Complainant	Navinder Singh Narula
Represented through	Shri Arun Yadav Advocate
Respondent	Advance India Projects Limited
Respondent Represented	Shri Dhruv Rohatgi Advocate
Last date of hearing	Application u/s 39 of the Act/14.11.2025
Proceeding Recorded by	Naresh Kumari and HR Mehta

Proceedings-cum-order

The present complaint was disposed of vide order dated 14.02.2025. The respondent was directed to refund the paid up amount of Rs. 45,18,700/- after deduction of 10% as earnest money of the basic sale consideration with interest at prescribed rate i.e., 11.10% on the balance amount, from the date of termination/cancellation i.e., 26.05.2023 till date of actual refund.

The respondent has filed an application for rectification of order dated 14.02.2025 and has sought following rectification:

- i. The assured return amount paid to the complainant be adjusted against the refundable amount to the complainant.
- ii. The GST amount deposited by the respondent against the unit be also adjusted against the refundable amount to the complainant.
- iii. The respondent had already received the occupation certificate on 09.05.2024.

The Authority observes the following:

1. **Adjustment of Assured Return:** It is pertinent to note that in the reply filed by the respondent on 17.11.2023, there was no averment whatsoever regarding the payment or non-payment of the assured return. However,



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हरियाणा मु संपदा विनियासक प्रमितकरण, गुरुग्राम

MANU 659/2025/R/22/2023

New PWD Rest House, Civil Lines, Gurugram, Haryana

नया पी.डब्ल्यू.डी. विहार गढ़, मिशन लाईन, गुरुग्राम, हरियाणा

the Authority is directing that if any amount has been paid by the respondent towards the assured return, the same shall be duly adjusted while determining the final payable amount in the interest of natural justice.

2. Adjustment of GST: The respondent in the present application for rectification has further sought adjustment of GST on the refundable amount payable to the complainant. However, this Authority observes that as per para 35 of the detailed order dated 14.02.2025 it has already been clarified that the earnest money shall not exceed 10% of the total consideration amount. Therefore, the plea now raised regarding adjustment of GST is not sustainable in view of the said findings.
3. Occupation certificate: The respondent, in the present application has also contended that at the time of the decision of the said complaint, they had already obtained the occupation certificate. However, this Authority observes that in the reply filed by the respondent on 17.11.2023, no mention was made regarding the receipt of the occupation certificate nor copy of the said has been annexed. This contention, therefore, amounts to a new fact now being introduced before this Authority and cannot be considered at this stage. Since the same constitutes a new fact, the Authority cannot rectify the order on this ground. Moreover, the subsequent receipt of the occupation certificate does not in any manner alter or affect the findings or decision already rendered by this Authority.

The said application is disposed off. File be sent to registry.

Arun Kumar
Chairman
12.12.2025