

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**Appeal No. 64 of 2024**

**Date of Decision: January 12, 2026**

M/s. Renuka Traders Private Limited through its Authorized Representative, A-25, Mohan Estate, Cooperative Industrial Estate, Mathura Road, New Delhi – 110 044.

Appellant

Versus

Kamal Singh Bisht, House No. 4, Block-D, Gali No. 3, Sheetla Colony, Gurugram, Haryana – 122 001.

Respondent

**CORAM:**

**Justice Rajan Gupta  
Dr. Virender Parshad  
Dinesh Singh Chauhan**

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

Present: Mr. Lakshay Jindal, Advocate,  
for the appellant.

Mr. Venket Rao, Advocate with  
Mr. Pankaj Chandola, Advocate,  
Mr. Gunjan Kumar, Advocate,  
Mr. Yashvir Singh Balhara, Advocate,  
for the respondent.

**ORDER:**

**RAJAN GUPTA, CHAIRMAN**

Challenge in present appeal is to order dated 07.04.2023, passed by the Authority<sup>1</sup>. Operative part thereof reads as under:

***“G. Directions of the authority***

*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 respondent is directed refund the paid-up amount of Rs.6,17,000/- after deduction of Rs.25000/- as per clause 5(iii)(I) of the Policy 2013 of the of Affordable Housing Policy 2013 as amended by the State Government on 05.07.2019, along with interest @ 10.70% per annum as prescribed under rule 15 of the Haryana Real Estate (Regulation and Development) Rules, 2017 from the date of cancellation of allotment till the actual realization of the 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.*

21. *Complaint stands disposed of.*

22. *File be consigned to registry.*

2. It appears that a project in the name and style of 'Aashiyara' under Affordable Group Housing Project was floated by the appellant-promoter in Village Gadauli Khurd, Sector 37-C, Gurugram. The respondent was allotted a unit measuring 644.200 sq. feet therein vide allotment-cum-demand letter dated 07.10.2020. Total sale consideration of the unit was Rs.23,59,291/-. The respondent-allottee paid an amount of Rs.6,17,000/-. Due date of possession was 08.04.2023. Builder Buyer's agreement was not executed between the parties. As the allottee failed to make payment despite demand by the promoter, allotment of unit was cancelled by the promoter vide cancellation notice dated 07.06.2021. The respondent-allottee requested the promoter vide e-mail dated 15.06.2021 not to cancel his allotted unit which was followed by another e-mail dated 16.06.2021, but in vain. The respondent-allottee then

filed a complaint before the Authority at Gurugram seeking directions to the promoter to restore the unit and not to create any third party rights thereon.

3. After considering rival contentions of the parties, the Authority passed the impugned order.

4. Learned counsel for the appellant-promoter has assailed the order. According to him, the order is unsustainable. The Authority has gravely erred in directing refund of the amount paid by the respondent-allottee along with interest, as at the time of cancellation of the unit, the appellant-promoter requested the allottee to return the original allotment letter/agreement of sale and money receipts for initiation of process of refund, but the respondent-allottee failed to do so. Therefore, the allottee himself being at fault, was not entitled to interest.

5. Learned counsel for the respondent-allottee, however, submits that the order of the Authority is well-reasoned. At the time of cancellation of unit by the promoter, even Occupation Certificate had not been obtained. The amount paid by the allottee remained with the promoter and he was entitled to interest thereon.

6. We find substance in the contention of the respondent-allottee. It is apparent from the impugned order that the paid-up amount of Rs.6,17,000/- has been directed to be refunded to the allottee with interest @ 10.70% per annum with effect from date of cancellation of the allotment till actual realization of the amount. The promoter could have avoided the liability of interest had it refunded the amount to the allottee

immediately after cancellation of the unit, which was not done. The amount remained with the promoter and utilised by it. The impugned order, therefore, does not call for any interference in the appellate jurisdiction.

7. In view of the above, there is no merit in the appeal. The same is hereby dismissed.

8. The amount of pre-deposit made by the promoter in terms of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 along with interest accrued thereon, be remitted to the Authority for disbursement to the allottee, subject to tax liability if any.

9. Copy of this order be sent to the parties/their counsel and the Authority.

10. File be consigned to records.

Justice Rajan Gupta,  
Chairman,  
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad  
Member (Judicial)

Dinesh Singh Chauhan  
Member (Technical)

January 12, 2026  
dg

M/s Renuka Traders Pvt. Ltd.  
Vs.  
Kamal Singh Bisht  
CM Nos. 218 & 219 of 2024  
In Appeal No.64 of 2024

Present: Mr. Lakshay Jindal, Advocate,  
for the appellants.

Mr. Venket Rao, Advocate, with  
Mr. Pankaj Chandola, Advocate,  
Mr. Gunjan Kumar, Advocate,  
Mr. Yashvir Singh Balhara, Advocate,  
for the respondents.

**CM No. 218 of 2024**

This is an application seeking condonation of 258 days delay in filing of the appeal. Same is supported by an affidavit of Mr. Raj Kumar Singh, Authorised Representative of the appellants-company.

Counsel for the respondents has opposed the prayer for condonation of delay and filed reply to the instant application.

We have heard learned counsel for the parties and given careful thought to the facts of the case.

On perusal of the application, this Bench is satisfied that sufficient grounds are made out for condoning the delay. Besides, pre-deposit of Rs,7,65,025/- has been made along with the appeal by the appellants-promoter.

Accordingly, application seeking condonation of delay is allowed. Delay of 258 days in filing the appeal is condoned.

**Main Appeal**

Arguments heard.

Vide separate detailed order of even date, this appeal has been dismissed.

File be consigned to the records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad  
Member (Judicial)

Dinesh Singh Chauhan  
Member (Technical)

12.01.2026/dg

