



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

SUO- MOTU COMPLAINT NO. 3 OF 2026

HRERA Panchkula

..... COMPLAINANT

Versus

1. Ashiana Real Tech Pvt. Ltd

2. Sandeep Yadav

.....RESPONDENT(S)

CORAM:-

Parneet S Sachdev

Chairman

Nadim Akhtar

Member

Dr. Geeta Rathee Singh

Member

Date of Hearing: 12.02.2026

Hearing: 1st

Present: Adv. Navneet, Ld. Counsel for the Respondent no.1 through VC.

None for the Respondent no. 2

ORDER: (PARNEET S SACHDEV- CHAIRMAN)

1. This suo motu complaint has been initiated for refund of the pre-deposit amount of ₹7,89,744/- to respondent no.2 (Mr. Sandeep Yadav) which was received from Haryana Real Estate Appellate Tribunal pursuant to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016.

2. Initially, Complaint no. 260/2021 was decided by the Authority vide order dated 27.04.2022, whereby a relief of possession along with delay interest of amount ₹7,64,156/- was allowed by the Authority.
3. Subsequently, Ashiana Real Tech Pvt Ltd.(now known as M/s Movish Real Tech.) preferred an appeal before the Appellate Tribunal as appeal no. 392 of 2024 titled as M/s Ashiana Real Tech Pvt Ltd versus Sandeep Yadav. The said appeal was dismissed on 01.08.2025, with a direction that amount deposited by appellant be refunded to the allottee. Relevant part of the order is reproduced here for reference.

“9. As the appeal has been dismissed, it will be interest of justice to remit the amount of pre - deposit to the Authority for disbursement to the respondent- allottee along with interest subject to tax liability as per law.”

4. Further cross appeal bearing no. 594 of 2022 titled as Sandeep Yadav versus Ashiana Real Tech Pvt Ltd. (now known as Movish Real Tech Pvt Ltd) was filed by allottee Mr. Sandeep Yadav before the Hon’ble Appellate Tribunal. The said appeal was partly allowed vide order dated 01.08.2025. Relevant part of order dated 01.08.2025 is reproduced here for reference.

“7. A perusal of the record shows that the allottee never showed his disinclination to continue with the project. He neither opted out of the same nor gave any notice to builder before filing the complaint before the Authority. The grant of occupation certificate to the builder/promoter on 08.11.2021 shows that the project never came to a stand still. It was making headway, though with some dealy. A perusal of the impugned order,

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whereby number of complaints have been disposed of, shows that other allottees preferred to take possession along with delay compensation. The insistence of the allottee in present appeal for grant of interest despite apparent default on his part in making the payment cannot be accepted. In this context, judgment in Godgrej Projects Development Limited v. Anil Karelekar and other would be relevant

8. The appeal is, thus, partly allowed with the direction that the appellant is thus partly allowed with the direction that the appellant is entitled to refund of the amount remitted by him”

5. Today, respondent no.1 apprised the Authority that order dated 01.08.2025 in appeal no.392/ 2024 passed by Hon’ble Tribunal has been challenged before Hon’ble Punjab and Haryana High Court by way of Rera Appeal no. 12 of 2026 titled as Ashiana Real Tech Pvt. Ltd.now known as Movish Realtech Pvt. Ltd. versus Sandeep Yadav.She submitted that a copy of the Hon’ble High Court order dated 02.02.2026 would be placed on record wherein it has been observed that amount be disbursed to the respondent-allottee as refund. Relevant part of order dated 02.02.2026 is reproduced here for reference.

“5. Keeping in view the above said facts and circumstances, the present appeal is disposed of with the observations that the amount which the present appellant has deposited as pre-deposit under section 43(5) while filing appeal no. 392 of 2024 be disbursed to the respondent allottee along with with interest in accordance with para 9 of the order dated 01.08.2025 in appeal no. 394 of 2022 and same be adjusted against the amount which the appellant is now required to refund pursuant to the order dated 01.08.2025 in appeal no. 594 of 2022.”

6. None appeared on behalf of the respondent no. 2 nor any objections has been filed for remittance of amount.



7. Therefore, in view of directions of Hon'ble Punjab and Haryana High Court present complaint is disposed with direction to accounts section to remit the amount of ₹7,89,744/- to respondent no. 2, within 7 days.
8. The complaint is **disposed of** accordingly. File be consigned to record room.



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DR. GEETA RATHEE SINGH
[MEMBER]



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NADIM AKHTAR
[MEMBER]



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PARNEET S SACHDEV
[CHAIRMAN]