

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**Date of decision: March 24, 2026**

**1. Appeal No.647 of 2022**

Sachin Thukral S/o Sh. Rajinder Thukral resident of C-83,  
Ground Floor, Panchsheel Enclave, New Delhi.

Appellant-allottee.

Versus

Rangoli Builtech Pvt. Ltd., registered office at Flat No.912, 9<sup>th</sup>  
Floor, Mercantile House, Kasturba Gandhi Marg, New Delhi-  
110001 (through its Managing Director and other Directors).

Respondent-promoter

**2. Appeal No.648 of 2022**

Sachin Thukral S/o Sh. Rajinder Thukral resident of C-83,  
Ground Floor, Panchsheel Enclave, New Delhi.

Appellant-allottee.

Versus

Rangoli Builtech Pvt. Ltd., registered office at Flat No.912, 9<sup>th</sup>  
Floor, Mercantile House, Kasturba Gandhi Marg, New Delhi-  
110001 (through its Managing Director and other Directors).

Respondent-promoter

**3. Appeal No.649 of 2022**

Sachin Thukral S/o Sh. Rajinder Thukral resident of C-83,  
Ground Floor, Panchsheel Enclave, New Delhi.

Appellant-allottee.

Versus

Rangoli Builtech Pvt. Ltd., registered office at Flat No.912, 9<sup>th</sup>  
Floor, Mercantile House, Kasturba Gandhi Marg, New Delhi-  
110001 (through its Managing Director and other Directors).

Respondent-promoter

**4. Appeal No.650 of 2022**

Sachin Thukral S/o Sh. Rajinder Thukral resident of C-83,  
Ground Floor, Panchsheel Enclave, New Delhi.

Appellant-allottee.

Versus

Rangoli Builtech Pvt. Ltd., registered office at Flat No.912, 9<sup>th</sup>  
Floor, Mercantile House, Kasturba Gandhi Marg, New Delhi-  
110001 (through its Managing Director and other Directors).

Respondent-promoter

**5. Appeal No.651 of 2022**

Sachin Thukral S/o Sh. Rajinder Thukral resident of C-83,  
Ground Floor, Panchsheel Enclave, New Delhi.

Appellant-allottee.

Versus

Rangoli Builtech Pvt. Ltd., registered office at Flat No.912, 9<sup>th</sup>  
Floor, Mercantile House, Kasturba Gandhi Marg, New Delhi-  
110001 (through its Managing Director and other Directors).

Respondent-promoter

**6. Appeal No.652 of 2022**

Sachin Thukral S/o Sh. Rajinder Thukral resident of C-83,  
Ground Floor, Panchsheel Enclave, New Delhi.

Appellant-allottee.

Versus

Rangoli Builtech Pvt. Ltd., registered office at Flat No.912, 9<sup>th</sup>  
Floor, Mercantile House, Kasturba Gandhi Marg, New Delhi-  
110001 (through its Managing Director and other Directors).

Respondent-promoter

**7. Appeal No.653 of 2022**

Savita Thukral wife of Shri Rajinder Thukral, resident of C-83,  
Ground Floor, Panchsheel Enclave, New Delhi.

Appellant-allottee.

Versus

Rangoli Builtech Pvt. Ltd., registered office at Flat No.912, 9<sup>th</sup> Floor, Mercantile House, Kasturba Gandhi Marg, New Delhi-110001 (through its Managing Director and other Directors).

Respondent-promoter

**8. Appeal No.654 of 2022**

Savita Thukral wife of Shri Rajinder Thukral resident of C-83, Ground Floor, Panchsheel Enclave, New Delhi.

Appellant-allottee.

Versus

Rangoli Builtech Pvt. Ltd., registered office at Flat No.912, 9<sup>th</sup> Floor, Mercantile House, Kasturba Gandhi Marg, New Delhi-110001 (through its Managing Director and other Directors).

Respondent-promoter

**9. Appeal No.655 of 2022**

Savita Thukral wife of Shri Rajinder Thukral resident of C-83, Ground Floor, Panchsheel Enclave, New Delhi.

Appellant-allottee.

Versus

Rangoli Builtech Pvt. Ltd., registered office at Flat No.912, 9<sup>th</sup> Floor, Mercantile House, Kasturba Gandhi Marg, New Delhi-110001 (through its Managing Director and other Directors).

Respondent-promoter

**10. Appeal No.656 of 2022**

Savita Thukral wife of Shri Rajinder Thukral resident of C-83, Ground Floor, Panchsheel Enclave, New Delhi.

Appellant-allottee.

Versus

Rangoli Builtech Pvt. Ltd., registered office at Flat No.912, 9<sup>th</sup> Floor, Mercantile House, Kasturba Gandhi Marg, New Delhi-110001 (through its Managing Director and other Directors).

Respondent-promoter

**11. Appeal No.657 of 2022**

Savita Thukral wife of Shri Rajinder Thukral resident of C-83, Ground Floor, Panchsheel Enclave, New Delhi.

Appellant-allottee.

Versus

Rangoli Builtech Pvt. Ltd., registered office at Flat No.912, 9<sup>th</sup> Floor, Mercantile House, Kasturba Gandhi Marg, New Delhi-110001 (through its Managing Director and other Directors).

Respondent-promoter

**12. Appeal No.658 of 2022**

Savita Thukral wife of Shri Rajinder Thukral resident of C-83, Ground Floor, Panchsheel Enclave, New Delhi.

Appellant-allottee.

Versus

Rangoli Builtech Pvt. Ltd., registered office at Flat No.912, 9<sup>th</sup> Floor, Mercantile House, Kasturba Gandhi Marg, New Delhi-110001 (through its Managing Director and other Directors).

Respondent-promoter

**13. Appeal No.659 of 2022**

Savita Thukral wife of Shri Rajinder Thukral resident of C-83, Ground Floor, Panchsheel Enclave, New Delhi.

Appellant-allottee.

Versus

Rangoli Builtech Pvt. Ltd., registered office at Flat No.912, 9<sup>th</sup> Floor, Mercantile House, Kasturba Gandhi Marg, New Delhi-110001 (through its Managing Director and other Directors).

Respondent-promoter

**CORAM: Justice Rajan Gupta                      Chairman**  
**Dinesh Singh Chauhan                      Member (Technical)**

Argued by: Mr. Vikrant Kackria, Advocate  
for the applicant-appellant.

Mr. Gaurav Mohunta, Senior Advocate assisted by  
Mr. Pratyush Sood, Advocate and  
Mr. Gaurav Gogna, Advocate  
for the respondent.

**ORDER:**

**RAJAN GUPTA, CHAIRMAN:**

This order shall dispose of above-mentioned appeals as common questions of law and facts are involved therein. However, the facts have been extracted from Appeal No. 647 of 2022.

2. Present appeal is directed against order dated 05.07.2022 passed by the Authority<sup>1</sup>. Penultimate directions thereof are extracted below:

*“v) Authority concludes that respondents had fulfilled their responsibility of raising additional demands from complainant which complainant failed to respond. Respondents had duly issued cancellation letters and made offer for refund in the year 2014 which complainant had chosen not to pursue. Authority, therefore, concludes that now claim of the complainant seeking allotment of plots is highly time barred and not maintainable. Respondents could not be expected to keep 13 plots vacant for complainant for a long 12 years. Therefore, Authority decides to dismiss all the complaints as being highly time barred.*

*vi) Authority, however, considers that respondents should have returned the earnest money to*

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

*complainant because it did not fructify into an allotment. Even though respondents offered to the complainant to take their money back, but Authority considers that respondents should have sent cheques/drafts of money refundable to the complainant. Respondents have used the money of complainant for about 15 years, therefore, respondents are directed to return entire amount paid by complainant along with interest as prescribed in Rule 15 of HRERA Rules, 2017. Interest shall be calculated as per SBI MCLR+2% which was 9.7% per cent at the time of passing this order. The amount to be returned to the complainant in complaint nos. 2787, 2788, 2789, 2791, 2792, 2801, 2805, 2806, 2815, 2816 and 2817 of 2019 each works out to Rs.6,49,427/- (Principal amount Rs.2,50,000/- plus interest Rs.3,99,427/-). The amount to be returned to the complainant in complaint nos. 2799,2800 of 2019, each works out to Rs.12,98,855/- (Principal amount of Rs.5,00,000/- plus interest Rs.7,98,855/-). The respondent shall pay entire amount to the complainant within 90 days of uploading this order on the web portal of the Authority.*

*vii) Respondent shall remain liable to pay the cost as imposed on them by the Authority in each case, if not yet paid.”*

3. It appears that in a project floated by the respondent-promoter in Sector 16, Sonipat, the allottee booked a plot in the year 2005. He remitted an amount of Rs.2,50,000/- as advance payment. Total sale consideration of the plot was Rs.38,00,000/-. As the area of the project was reduced on account of revised planning by the authorities, vide letter dated 25.09.2009, the promoter asked the allottee to pay outstanding amount within 15 days with a clear notice that in case of default, the booking will be cancelled. As the

allottee failed to make payment, the promoter cancelled the allotment on 16.12.2009 and advised the allottee to take refund of advance booking amount. The promoter also sent reminder letters dated 23.08.2013 and 22.01.2014 asking the allottee to take refund. The allottee preferred the complaint on 15.11.2019 seeking allotment of the plot.

4. After hearing both the parties, the Authority issued the directions, as reproduced in paragraph No. 2. Feeling aggrieved, the allottee has preferred the present appeal.

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

6. Admittedly, allotment was made in favour of the allottee in the year 2005. As the allottee failed to make the balance payment, the plot was cancelled on 16.12.2009 and allottee was asked to take refund. The promoters also issued reminders dated 23.08.2013 and 22.01.2014 asking the allottee to take refund. Thereafter, third party rights were created. The allottee thereafter remained quiet and did not avail the remedy. The special enactment came into force on 28.07.2017. Two years thereafter, i.e. on 15.11.2019, he instituted the complaint before the Authority. The matter appears to be pre-RERA in nature. However, as this issue has not been raised before the Authority, this Bench deems it fit not to express any opinion on it. Despite huge delay in instituting the complaint, the Authority has directed the promoter to refund the entire amount paid by the allottee along with interest within 90 days of uploading the order.

7. In **B. L.Sreedhar and others v. V.K.M. Munireddy and others**, AIR 2003 SC 578, Hon'ble the Supreme Court observed as under:

*"Lapse of time and delay are most material when the plaintiff, by his conduct may be regarded as waiving his rights, or where his conduct, though not amounting to a waiver, has placed the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards asserted. When, however, an argument against a relief, otherwise just, is founded upon mere delay not amounting to bar by limitation, the validity of that defence must be tried by principles substantially equitable."*

8. As per stand of the promoter, third-party rights have been created on the plot. It has also refunded the amount to the allottee on 20.12.2022 in light of the order passed by the Authority. The matter, thus, needs to be given a quietus. This Court finds no infirmity in the impugned order.

9. The appeals are without any merit and are hereby dismissed.

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

11. Files be consigned to records.

(Justice Rajan Gupta)  
Chairman  
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan  
Member (Technical)

March 24, 2026  
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