

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 348 of 2025

Date of Decision: September 28, 2026

Omaxe Limited, Corporate Office at 7, Local Shopping Complex, Kalkaji, New Delhi

Appellant.

Versus

1. Ramchander Verma

2. Roshini Devi

Both R/o Maharashtra Seamless Limited, C3/007, Pipe Nagar, Village Sukeli, Taluka Roha, District Raigad, Maharashtra-402126

Respondent

CORAM:

Justice Rajan Gupta
Dinesh Singh Chauhan

Chairman
Member (Technical)

Present: Mr. Arjun Sharma, Advocate for the appellant.
Mr. Ajit Sihag, Advocate for the respondents.

O R D E R:

RAJAN GUPTA, CHAIRMAN:

Present appeal is directed against orders dated 15.12.2022 and 22.11.2023 passed by the Authority¹, whereby the appellant-promoter has been directed to refund a sum of

¹ Haryana Real Estate Regulatory Authority, Panchkula

Rs.33,66,411/- along with interest from respective dates of payment to the respondent-allottees.

2. It appears that a project in the name and style of 'Omaxe Shubhangan' was floated by the appellant-promoter in Sector 4-A, Kassar Road, Bahadurgarh. The original allottee-Mr. Parminder Singh booked a unit therein for a total sale consideration of Rs.31,17,029/-. In January, 2013, Mr. Vijay Kumar purchased the allotment rights from Mr. Parminder Singh and the unit was endorsed in his favour on 31.08.2016. Builder Buyer's agreement was executed between them on the same date. On 24.10.2017, the respondent-allottees purchased the unit from Mr. Vijay Kumar, which was endorsed by the appellant-promoter in their favour. Due date of possession was 02.01.2017. The appellant-promoter offered possession to the respondent-allottees on 22.07.2020. As there was delay in handing over the possession, the respondent-allottees opted to exit from the project and preferred a complaint before the Authority seeking refund along with interest.

3. After hearing rival contentions of the parties, the Authority issued the directions, as contained in paragraph No. 1 of this order.

4. Learned counsel for the appellant-promoter assailed the impugned order by contending that the date from which interest on the refundable amount has been computed, is erroneous. As per him, interest should be granted from the date the respondent-allottees stepped into the shoes of the original allottee till offer of possession. In support, he placed reliance on the judgment of Hon'ble Supreme Court in *Civil Appeal No.*

7042 of 2019- **M/s Laureate Buildwell Pvt. Ltd. v. Charanjeet Singh**, decided on 22.07.2021.

5. On the other hand, learned counsel for the respondent-allottees defended the impugned order by contending that the Authority has rightly granted refund along with interest from the dates of respective payments.

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

7. It is evident from the record that due date of possession was 02.01.2017. The respondent-allottees stepped into the shoes of the original allottee on 24.10.2017. Offer of possession was made to the allottees on 22.07.2020. It appears that construction did not make much headway by the due date of possession. As the respondents had purchased the unit after expiry of due date of possession, they would not be entitled to interest from any date prior to the date when they stepped into the shoes of the original allottee.

8. In view of the judgment of Hon'ble Supreme Court in **M/s Laureate Buildwell Pvt. Ltd.'s case (supra)**, we hold that the allottees are entitled to interest on the refundable amount from the date when they stepped into the shoes of the subsequent allottee i.e. 24.10.2017 till the order was passed by the Authority i.e. 22.11.2023. The impugned order is modified to this extent.

9. Appeal is allowed in the aforesaid terms.

10. The amount of pre-deposit made by the promoter, along with interest accrued thereon, be remitted to the

Authority for disbursement to the parties, according to their entitlement, subject to tax liability, if any.

11. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan
Member (Technical)

September 28,2026
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