

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 461 of 2025

Date of Decision: August 17, 2026

M/s Manglam Multiplex Pvt. Ltd. through its authorized representative Mrs. Bhavy Vijay Tangri, having office at Cabin No. 1, LGF, F-22, Sushant Shopping Arcade, Sushant Lok, Phase-I, Gurgram-182102, Haryana

Appellant

Versus

Mr. Dinesh Tyagi, R/O B-1001, Palm Springs, Golf Course Road, Gurgaon-122002

Respondent

CORAM:

**Justice Rajan Gupta
Dr. Virender Parshad**

**Chairman
Member (Judicial)**

Present: Mr. Aman Arora, Advocate for the appellant.

ORDER:

RAJAN GUPTA, CHAIRMAN

Present appeal is directed against order dated 04.03.2025, passed by the Authority¹, whereby the application filed by the appellant for rectification of order dated 28.03.2023 was dismissed.

2. Brief factual matrix of the case are that a project in the name and style of 'M3M Latitude' was floated by the appellant-promoter in Sector 65, Gurugram. The respondent was allotted a unit therein vide allotment letter dated 16.02.2015. Total sale consideration of the unit was Rs.3,86,15,047/-, out of which, the respondent-allottee

¹ Haryana Real Estate Regulatory Authority, Gurugram

remitted an amount of Rs.1,04,01,279/-. Builder Buyer's Agreement was not executed between the parties. Due date of possession was 26.12.2020. Occupation Certificate was granted to the project on 21.01.2021. Offer of possession was made to the respondent-allottee on 12.02.2021. As the respondent-allottee failed to adhere to the payment schedule, the unit was cancelled vide letter dated 23.03.2022. The respondent-allottee preferred a complaint before the Authority seeking direction to the appellant-promoter to refund the total amount paid by him along with interest and other ancillary reliefs.

3. After hearing rival contentions of the parties, the Authority disposed of the complaint vide order dated 28.03.2023 by issuing the following directions:

“H. Directions of the authority

18. 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):

i. The respondent is directed to refund to the complainant, the paid-up amount of Rs.1,04,01,279/- after deducting 10% of the basic sale consideration of Rs.3,86,15,047/- and that amount should have been made on the date of surrender i.e. 28.11.2019. Accordingly, the interest at the prescribed rate i.e. 10.70% is allowed on the balance amount if any, from the date of surrender till date of actual refund.

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.

19. Complaint stands disposed of.

20. File be consigned to registry.”

4. The respondent-allottee filed an application for rectification of the said order with reference to basic sale consideration i.e. Rs.2,73,61,375/- instead of total sale consideration i.e. Rs.3,86,15,047/- and the date of surrender i.e. 01.05.2019 instead of 28.11.2019. The same was partly allowed vide order dated 08.08.2023 holding the basic sale consideration as Rs.2,73,61,375/-.

5. The appellant-promoter also filed rectification application, which was dismissed vide order dated 04.03.2025.

6. Feeling aggrieved, the promoter has filed the present appeal.

7. Learned counsel for the appellant-promoter submitted that while terminating the unit in question on 23.03.2022, a demand draft of Rs.69,55,585/- was duly delivered to the respondent-allottee, however, the same was neither encashed nor was returned to the appellant-promoter. He further submitted that the appellant-promoter cannot be held liable to pay interest on the amount of Rs.69,55,585/- post date of cancellation.

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

9. Admittedly, no BBA was executed between the parties. The appellant-promoter received more than 10% of the sale consideration from the respondent-allottee. However, the respondent-allottee sought to withdraw from the project by filing the complaint before the Authority on 28.11.2019, which

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was decided vide order dated 28.03.2023, subject to rectification vide order dated 08.08.2023. The rectification application filed by the appellant-promoter was dismissed by the Authority vide the impugned order by giving detailed reasons. We find no infirmity with the impugned order warranting any interference.

10. In view of above, the appeal is dismissed.

11. The amount of pre-deposit made by the appellant-promoter, along with interest accrued thereon, be remitted to the Authority for disbursement to the parties as per their entitlement, subject to tax liability, if any.

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

Justice Rajan Gupta,
Chairman,
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad
Member (Judicial)

August 17, 2026
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