

Diksha Mehta and Anr. Vs. M/s Vikas Parks Pvt. Ltd.  
CM Nos.1114 and 1115 of 2025  
In Appeal No.776 of 2025

Present: Mr. Aashish Chopra, Sr. Advocate assisted by  
Mr. Rahul Bhardwaj, Advocate,  
Mr. Gagandeep Singh, Advocate,  
for the appellant.

Present appeal is directed against order dated  
15.07.2025 passed by the Authority<sup>1</sup>. Same reads as follows:

*“The present complaint was filed on 24.07.2024  
and reply was received on 13.09.2024.*

*Arguments heard.*

*Cancellation is upheld.*

*The respondent is directed to refund the paid-up  
amount to the complainant after deducting 10% of the  
basic sale consideration being earnest money along with  
interest on such balance amount at the rate of 11.10% as  
prescribed under rule 15 of the Rules, from the date of  
termination/cancellation till its realization. However, no  
interest shall be paid on the amount deposited by the  
complainant after cancellation.*

*Detailed order will follow. Matter stands disposed  
of.*

*Ashok Sangwan  
Member*

*Arun Kumar  
Chairman  
15.07.2025”*

Mr. Chopra has expressed his apprehension that in light  
of aforesaid order, the respondent-promoter who has floated the  
project in the name and style of ‘Hero Homes Tower 8’ may create  
third party rights in the flat in question. As per him, the order was  
passed on 15.07.2025. Despite lapse of one month, detailed order has  
not been passed till date. Reasoning given for upholding the  
cancellation of flat is, thus, not known. He has emphasized that the  
allottee(s) had remitted more than 10% of the basic sale consideration  
when the promoter suddenly resorted to drastic step of cancelling the  
flat in question ignoring Clause 9 of the Agreement for Sale.

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<sup>1</sup> Haryana Real Estate Regulatory Authority Gurugram

Appeal be registered.

Issue notice for 08.09.2025.

Notice re: stay as well.

In the meanwhile, in case any third party rights are created in respect of the flat in question, it shall be subject to the decision of this appeal.

As the detailed order has not been passed till now, the law laid down by the Hon'ble Supreme Court in *Civil Appeal No. 11000 of 2024 titled as Ratilal Jhaverbhai Parmar and Ors. Vs. State of Gujarat and Ors. decided on 21.10.2024*, be kept in mind by the Authority.

A copy of this order be forwarded to the Secretary HRERA, Gurugram today itself.

Respondent-promoter shall ensure that the gist of this order is displayed prominently on its web portal forthwith. Secretary HRERA, Gurugram to ensure compliance.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Rakesh Manocha  
Member (Technical)

19.08.2025

Rajni