

Gaurav and Ors Vs. M/s Vikas Parks Pvt. Ltd.
CM Nos.1108 and 1109 of 2025
In Appeal No.777 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 Authority¹. Same reads as follows:

*“The present complaint was filed on 24.07.2024
and reply was received on 12.09.2024.*

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.

¹ 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