

**BEFORE THE ADJUDICATING OFFICER
THE RAJASTHAN REAL ESTATE REGULATORY AUTHORITY,
JAIPUR**

Complaint No.RAJ-RERA-C-O-2024-7211

Seema Devi & Ors.

....Complainants

Versus

Ravi Surya Affordable Homes Pvt. Ltd.

.....Respondent

Present

Hon'ble Shri R.S. Kulhari, Adjudicating officer

Mr. Pravesh Ramola, Advocate present for Complainants.

Mr. Hardik Mishra, Advocate present for Respondent.

ORDER

Date: 16.09.2026

1. The brief facts of the matter as gathered from the records reveal that the complainants booked a flat in the project of the respondent named as “**Surya Residency**” by making payment of Rs. 1,45,000/- on 19.07.2018. Thereafter, the respondent issued allotment letter on 24.07.2018 allotting flat no. E-605 for sale consideration of Rs. 14,54,000/-.
2. It is alleged that the complainants informed the respondent that their financial condition is not good so they intended to avail loan from bank, and therefore requested the respondent to execute agreement for sale but the respondent neither executed the agreement for sale nor completed the project, nor refund of the amount

was made. Therefore, the complainants have lost the opportunity and for that the complainants claimed compensation including the loss of interest on the invested amount, as also for deficiency in service, mental agony and cost of litigation.

3. The respondent in its reply has not disputed the receipt of amount from the complainants but it was stated that agreement for sale could not be executed because of failure of the complainants to execute the same and to pay the due sale consideration. The delay in completion of the project has occurred because of some unforeseen circumstances and the completion period has also been extended by the Hon'ble RERA Authority till November 2024. The complainants have not deposited the due amount despite various reminders, therefore, ultimately the provisional allotment was cancelled vide letter dated 25.07.2022. Therefore, prayed for dismissal of the complaint.
4. It is a matter of record that the complainants have filed complaint no. RAJ-RERA-C-N-2023-6853 before the Hon'ble RERA Authority for refund of the amount. The Hon'ble RERA Authority vide order dated 25.09.2024 dismissed the complaint on the ground that since the amount is only 10% of the sale consideration, so the complainants are neither entitled to any refund nor possession. The complainants preferred the appeal against the said order before the Hon'ble REAT. The

Hon'ble REAT, vide order dated 28.10.2025 while allowing the appeal observed that it is a matter of contributory negligence on the part of promoter as well as allottees. Therefore, the allottees are neither entitled for possession nor for interest on the deposited amount and directed the respondent to refund the entire deposited original amount to the complainants.

5. Learned counsel for the complainants submitted that an amount of Rs. 1.45 lakhs remained with the respondent since the year 2018. The respondent has wrongly cancelled the booking. The Hon'ble REAT has allowed the refund but no interest has been granted. The complainants were deprived of the house as well as any return on the invested amount. They had suffered physical and mental agony and also incurred the cost of litigation. Therefore, adequate compensation be granted.
6. On the contrary, learned counsel for the respondent contended that the complainants have not deposited any amount after making payment of around 10% of the sale consideration. They have not responded to any of the demands made from time to time. Therefore, their unit was cancelled vide letter dated 25.07.2022. The Hon'ble RERA Authority has already considered this issue and directed the respondent to refund the principal amount without interest. Since there was fault on the part of the complainants, therefore, they are not entitled to any compensation.

7. Having heard the learned counsel for the parties and upon consideration of the material available on record, it is undisputed that the complainants have deposited Rs. 1.45 lakhs and no agreement for sale was executed. The unit was cancelled by the respondent without making refund of any amount, and also that the Hon'ble REAT has directed the respondent to refund the principal amount without any interest. This is also a fact that the whole amount remained with the respondent for about 8 years. Since the Hon'ble REAT has allowed the refund, so it can be said that the cancellation made by the respondent and the consequential forfeiture of the amount was not found just and proper. In these circumstances this Tribunal has to consider whether any compensation deserves to be awarded or not.
8. The issue is no more res integra that this Tribunal is required to assess the compensation part independently as it is independent and distinct adjudicatory body. The argument that since the unit has been the cancelled, so the complainants cannot get any compensation is not tenable for the reason that the Hon'ble RERA Authority has allowed the refund which indicates that the cancellation and forfeiture was not justified. In case the unit was cancelled, the promoter was supposed to refund the amount after deducting the administrative charges, if any, but no such communication has been made. The respondent has been utilizing the funds after cancellation

of the unit. Simultaneously, the complainants were deprived of this amount. Therefore, the complainants are entitled to get return on the deposited amount in the form of compensation. If no compensation is granted, it would cause apparent tangible financial loss to the complainants and undue enrichment of the respondents.

9. If viewed from another angle, in case the promoter would borrow the amount from market he would have paid interest on that amount. However, the complainants have deposited only the booking amount, so this case cannot be equated with the cases of refund where a substantial amount of the sale consideration is deposited, yet the reasonable return on the deposited amount deserves to be awarded in the form of compensation towards financial loss. Considering the facts of the matter in its entirety, this Tribunal deems appropriate to award Rs. 80,000/- towards financial loss caused to the complainants.
10. Apart from the above, the complainants have suffered physical and mental agony because of the deficiency in service caused by the respondent and had to file the complaint before the Hon'ble RERA Authority as well as before this Tribunal. Therefore, a sum of Rs. 20,000/- deserves to be awarded as compensation on these counts.
11. Accordingly, the complaint is allowed in the following manner:-

- (i) The respondent shall pay Rs. 80,000/- as compensation towards financial loss, Rs. 20,000/- towards physical and mental agony and cost of litigation, totaling to Rs. 1,00,000/- (Rupees One Lakh only) to the complainants.
- (ii) The compliance of the order shall be made within 45 days from today, failing which the respondent shall be liable to pay interest at the rate of 6% on the awarded amount from today till the date of payment.
- (iii) The order be uploaded on the website of RERA and be also sent to the parties by registered post. File be consigned to records.

Date: 16.09.2026

(R.S. Kulhari)
Adjudicating Officer

“All the corrections, if any, have been made and the uploaded judgment/order is correct version of the original”