

**BEFORE THE HARYANA REAL ESTATE  
APPELLATE TRIBUNAL**

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Appeal No. 306 of 2021  
Date of Decision: 01.09.2023

Emaar India Limited (Formerly Known as Emaar MGF Land Limited), 306-308, 3<sup>rd</sup> Floor, Square One, C-2, District Centre, Saket, New Delhi-110017.

Appellant

Versus

Aarti Kapoor, Resident of flat no. 1201, Tower-3, CHD Avenue 71, Sector 71, Gurugram-122001.

Respondent

**CORAM:**

**Justice Rajan Gupta  
Shri Anil Kumar Gupta**

**Chairman  
Member (Technical)**

Present: Mr. Kunal Dawar, Advocate, along with Ms. Tanika Goyal, Advocate, for the appellant

Mr. Harsh Vardhan, Advocate,  
For the respondent.

**ORDER:**

**Rajan Gupta, Chairman (Oral):**

The present appeal is directed against the order dated 27.01.2021 passed by the Haryana Real Estate Regulatory Authority, Gurugram (for short 'the Authority'). Operative part of the order reads as under:-

*“i The respondent is directed to pay the interest at the prescribed rate @ 9.30% per annum for every month of delay on the amount paid by the complainant from due date of possession is 25.2.2014 till the handing over of possession. The arrears of interest accrued so far shall be*

*paid to the complainant within 90 days from the date of this order.*

*ii. The complainant is directed to pay outstanding dues, if any, after adjustment of interest for the delayed period.*

*iii. The respondent shall not charge anything from the complainant which is not part of the buyer's agreement.*

*iv. Interest on the due payments from the complainant shall be charged at the prescribed rate @ 9.30% by the promoter which is the same as is being granted to the complainant in case of delayed possession charges.*

*12. complaint stands disposed of.*

*13. file be consigned to the registry.”*

2. During the course of hearing of this appeal, an undertaking was given on 14.12.2022 that the appellant-promoter would hand over the possession of the unit to the respondent on 10.01.2023 without insisting for NOC. On 09.03.2023, when the case was taken up for hearing, this Tribunal was apprised that possession had been offered to the respondent-allottee on 14.02.2023.

3. Learned counsel for the respondent during the hearing of the appeal on 09.03.2023 submitted that possession may be deemed to have been taken on 16.01.2023 subject to outcome of the issues arising in the appeal. Admittedly, possession was ultimately handed over

to the respondent-allottee on 14.03.2023 as noted in our order dated 12.05.2023.

4. Only question that subsists in this appeal now is the quantum of delayed possession charges to which the allottee is entitled.

5. Ms. Tanika Goyal, Advocate counsel representing the appellant (Emaar India Ltd.) in her statement before this Tribunal submitted that amount of Rs.22,23,257/- may be remitted to the respondent along with interest accrued thereon. If any, amount stands in the credit of the respondent that would also be adjusted at the time of execution of the conveyance deed.

6. Mr. Harsh Vardhan, Advocate, learned counsel for the respondent-allottee in his statement before this Tribunal submitted that he is agreeable to the proposal given by Ms. Tanika Goyal, Advocate, learned counsel for the appellant (Emaar India Ltd.). He accepts this proposal and submits that case may be disposed of in light of the same.

7. In view of the aforesaid statement made before this Tribunal by learned counsel for both the parties, the present appeal is disposed of.

8. The amount of Rs.22,23,257/- deposited by the appellant/promoter with this Tribunal as pre-deposit to comply with the provisions of proviso to Section 43(5) of the Act, along

with interest accrued thereon, be sent to the Authority for disbursement to the respondent/allottee subject to tax liability, if any, as per law.

9. Copy of this judgment be communicated to both the parties/learned counsel for the parties and the Haryana Real Estate Regulatory Authority, Gurugram.

10. File be consigned to the record.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Anil Kumar Gupta  
Member (Technical)

*Manoj Rana*