

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 222 of 2023
Date of Decision: January 18, 2025

Sompal Roshanlal Goyal through its LR Parduman Kumar Goyal,
resident of C-201, Kanti Apartments, Mount Mary Hill Road,
Bandra West, Mumbai, Maharashtra 400050

Appellant

Versus

M/s Athena Infrastructure Ltd. M-62-63, 1st Floor, Connaught
Place, New Delhi 110001

Respondent

CORAM:

Justice Rajan Gupta Chairman
Shri Rakesh Manocha Member (Technical)

Argued by: Mr. Pardhuman Kumar Goyal son of
SompalRoshanlalGoyal-Appellant along with
Ms. ManjuGoyal, Advocate.

Mr. Ajiteshwar Singh, Advocate,
for the respondent.

O R D E R:

RAJAN GUPTA, CHAIRMAN:

Present appeal is directed against order dated
19.12.2019 passed by the Authority¹.

2. It appears that the unit in project 'IndiaBulls
Enigma' Sector 110, Gurugram, was booked by the appellant.
Total sale consideration for the said unit being
Rs.1,85,30,998/-, against which the allottee remitted almost
entire consideration. Neither the allottee has any hesitation in
taking the possession of the unit in question nor the builder in
handing over of the same. Admittedly, occupation certificate
has also been received by the promoter in respect of the tower
in question vide letter dated 12.10.2021. Only question that
survives for consideration is whether the allottee would be
entitled to Delay possession charges from 25.01.2015 till the

¹ Haryana Real Estate Regulatory Authority, Gurugram

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valid date of offer of possession or till actual handing over of possession.

3. In the instant case, original allottee, namely Sompal Roshalal Goyal since expired. It has been brought to notice of this Court that he executed a will in respect of the unit allotted to him. The question of entitlement on the basis of will would not within the purview of this Tribunal.

4. The Authority has directed that the allottee would be entitled to delay compensation from 25.01.2015 till valid offer of possession. It is evident that the project of M/s Athena Infrastructure Ltd. was granted Occupation Certificate on 12.10.2021 and offer of possession was made on 11.03.2022. Under these circumstances, there is nothing to show that offer of possession dated 11.03.2022 was not a valid offer.

5. There is, thus, no legal infirmity with the order passed by the Authority. The appeal is without any merit and is hereby dismissed.

6. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)

January 18, 2025
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