

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**Appeal No.12 of 2021**

**Date of Decision: January 14, 2025**

1. Mrs. Renu Garg wife of Mr. Krishan Kumar Garg  
2. Ms. Surabhi Priya daughter of Mr. Ashutosh Kumar  
Residents of E-042, The Icon, DLF-5, Sector 43, Gurugram-  
122009 (Haryana)

Appellant.

Versus

M/s Pioneer Urban Land & Infrastructure Limited, Paras Down  
Tower Centre, 7<sup>th</sup> Floor, Golf Course Road, Sector 53, Gurugram-  
122002, Haryana

Respondent

Present : Mr. Arun Sharma, Advocate for the appellants.  
Mr. Rajat Khanna, Advocate for the respondent

**CORAM:**

**Justice Rajan Gupta**  
**Rakesh Manocha**

**Chairman**  
**Member (Technical)**

**ORDER:**

**RAJAN GUPTA, CHAIRMAN**

The present appeal is directed against the order dated 12.03.2020, passed by the Authority<sup>1</sup>. The operative part of the order reads as under:

*“Since the conveyance deed has already been executed and there is no contention left inter-se both the parties except the provisions of Section 14(3) and 18(2) of the Act. As such the parties cannot come in dispute at a belated stage w.r.t. Delayed Possession Charges.”*

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

2. Admittedly, the allottees are already in possession and conveyance deed was executed in their favour way back on 26.03.2019. Mr. Sharma, however, relies upon a judgment of Supreme Court in **Wg. Cdr. Arifur Rahman Khan and Aleya Sultana and others v. DLF Couthern Homes Pvt. Ltd.**, 2020(3) RCR (Civil) 544 and states that there is no bar on the Authority in considering the plea for grant of DPC<sup>2</sup> even after execution of conveyance deed. His stand is that mere execution of conveyance deed would not extinguish the right accrued to the allottee for grant of delay compensation. He submits that no clear finding has been recorded on this issue. The matter, thus, needs to be remitted to the same Authority for decision.

3. Learned counsel for the respondent submits that since the conveyance deed was executed long time back i.e. on 26.03.2019, the matter stands settled now. He, however, does not dispute the fact that in Appeal No. 79 of 2020—**Amit Gupta v. Athena Infrastructure Ltd.**, decided on 13.01.2021, in similar circumstances, the matter was remitted to the Authority for decision afresh.

4. In view of the above, the order under appeal is hereby set aside. The matter is remitted to the Authority to be decided afresh keeping in view the law laid down in **Arifur Rahman Khan's** case (supra) and any other precedent on which learned counsel seek to place reliance.

5. The parties shall appear before the Authority on 10.02.2025.

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<sup>2</sup> Delayed Possession Charges

6. Copy of this order be communicated to the parties/counsel for the parties and the Authority.

7. File be consigned to the record.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Rakesh Manocha  
Member (Technical)

January 14, 2025  
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