

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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Date of Decision: March 04, 2025

**(1) CM No. 1367 of 2023 in/and  
Appeal No.649 of 2023**

TDI Infrastructure Ltd., Second Floor, Mahindra Tower, 2A,  
Bhikaji Cama Place, New Delhi-110066

Appellant.

Versus

(1) Vijay Bahuguna

(2) Swati Bahuguna

Residents of Flat No. S3-1001, Kings Bury Apartment, TDI City,  
Kundli, Sonipat, Haryana-131001

Respondents

**(2) Appeal No.651 of 2023**

TDI Infrastructure Pvt. Ltd. Registered office at Second Floor,  
Mahindra Tower, 2A Bhikaji Cama Place, New Delhi 110066,

...Appellant

**Versus**

1. Harjinder Kaur

2. Gurpratap Singh, both residents of Flat No.S3-1103, Kings  
Bury Apartment, TDI City, Kundli, Sonipat, Haryana-  
131030.

...Respondents.

**(3) Appeal No.652 of 2023**

TDI Infrastructure Pvt. Ltd. Registered office at Second Floor,  
Mahindra Tower, 2A Bhikaji Cama Place, New Delhi 110066,

...Appellant

**Versus**

Babita Jain resident of Flat No.S2-1001, Kings Bury Apartment,  
TDI City, Kundli, Sonipat Haryana 131001

...Respondent

**(4) Appeal No.653 of 2023**

TDI Infrastructure Pvt. Ltd. Registered office at Second Floor,  
Mahindra Tower, 2A Bhikaji Cama Place, New Delhi 110066,

...Appellant

**Versus**

Vanita Duggal, resident of Flat No.S2-303, Kings Bury Apartment, TDI City, Kundli, Sonipat, Haryana-131001.

...Respondent

**(5) Appeal No.654 of 2023**

TDI Infrastructure Pvt. Ltd. Registered office at Second Floor, Mahindra Tower, 2A Bhikaji Cama Place, New Delhi 110066,

...Appellant

**Versus**

Amit Kukreja, resident of Flat No.W8-304, Kings Bury Apartment, TDI City, Kundli, Sonipat, Haryana-131001.

...Respondent.

**(6) Appeal No.655 of 2023**

TDI Infrastructure Pvt. Ltd. Registered office at Second Floor, Mahindra Tower, 2A Bhikaji Cama Place, New Delhi 110066,

...Appellant

**Versus**

Brijesh Anand resident of Flat No.W8-304, Kings Bury Apartment, TDI City, Kundli, Sonipat, Haryana-131001.

...Respondent.

**(7) Appeal No.656 of 2023**

TDI Infrastructure Pvt. Ltd. Registered office at Second Floor, Mahindra Tower, 2A Bhikaji Cama Place, New Delhi 110066,

...Appellant

**Versus**

1. Deepak Uniyal
2. Manisha, both residents of House No.S-1 603, Kings Bury Apartment, TDI City, Kundli, Sonipat, Haryana-131030.

...Respondents.

**(8) Appeal No.657 of 2023**

TDI Infrastructure Pvt. Ltd. Registered office at Second Floor, Mahindra Tower, 2A Bhikaji Cama Place, New Delhi 110066,

...Appellant

**Versus**

1. Rakesh Sehgal
2. Shivani Sehgal, both residents of Flat No.W8-304, Kings Bury Apartment, TDI City, Kundli, Sonipat, Haryana-131030.

...Respondents.

**(9) Appeal No.658 of 2023**

TDI Infrastructure Pvt. Ltd. Registered office at Second Floor, Mahindra Tower, 2A Bhikaji Cama Place, New Delhi 110066,

...Appellant

**Versus**

Sangeeta Rastogi resident of Flat No.S2-804, Kings Bury Apartment, TDI City, Kundli, Sonipat, Haryana-131001.

...Respondent.

**(10) Appeal No.660 of 2023**

TDI Infrastructure Pvt. Ltd. Registered office at Second Floor, Mahindra Tower, 2A Bhikaji Cama Place, New Delhi 110066,

...Appellant

**Versus**

Urmila Bhuttan resident of Flat No.S4-102, Kings Bury Apartment, TDI City, Kundli, Sonipat, Haryana-131001.

...Respondent.

Argued by: Mr. Shubnit Hans, Advocate for the appellant.  
Mr. Tarjit Singh with Mr. Pooja Sharma, Advocates  
for the respondents

**CORAM:**

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

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

**ORDER:**

**RAJAN GUPTA, CHAIRMAN**

This order shall dispose of above-mentioned appeals, as common question of law and facts are involved. However, the facts have been extracted from Appeal No. 649 of 2023.

2. The present appeal is directed against order dated 01.03.2023, passed by the Authority<sup>1</sup> whereby the appellant-promoter has been directed to execute conveyance deed in favour of the respondents-allottes. The appeal is accompanied by an application seeking condonation of delay of 161 days in filing thereof.

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

3. The impugned judgment is dated 01.03.2023. As per the appellant-company, the same was uploaded on 03.04.2023. The appellant contends that it came to know about the judgment in July, 2023 when it was searching judgment in another case. It then shared the order dated 01.03.2023 with the concerned official of the Company. After perusal of the order, authorised representative contacted higher officials of the company and contacted the Advocate in August, 2023. The counsel advised the appellant to file appeal before this Tribunal. Further delay occurred on account of drafting and finalising the appeal. Thereafter, the present appeal was finalised and filed before this Tribunal.

4. In reply to the application seeking condonation of delay, the respondents have refuted the plea that appellant was not aware about passing of the impugned order. As per him, the order was sent to the appellant as well as respondents through e-mails dated 15.04.2023 and 05.06.2023.

5. We have heard learned counsel for the parties and given careful thought to their respective contentions.

6. It is trite law that in case the grounds are so specious that sufficient cause for condoning the delay is not made out, such application has to be rejected. In a recent judgment of the Supreme Court in **Pathapati Subba Reddy (Died) by L.Rs. & Ors. V. The Special Deputy Collector (LA)**<sup>2</sup>, various principles governing condonation of delay have been culled out. Paragraph 26 thereof is reproduced hereunder:

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<sup>2</sup> SLP (Civil) No. 31248 of 2018, decided on 08.04.2024

26. *On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:*

- (i) Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself.*
- (ii) A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;*
- (iii) The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;*
- (iv) In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;*
- (v) Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;*
- (vi) Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;*
- (vii) Merits of the case are not required to be considered in condoning the delay; and*
- (viii) Delay condonation application has to be decided on the parameters laid down for condoning the*

*delay for the reason that the conditions have been imposed, tantamount to disregarding the statutory provision.”*

7. On a perusal of the principles laid down in the aforesaid judgment, it is evident that though a liberal, justice-oriented approach has to be adopted, it cannot be used to defeat the substantial law of limitation as contained in Section 3 of the Limitation Act. Every application has to be decided in the facts and circumstances of each case. A right or remedy which has not been exercised for a long time must come to an end or cease to exist after a fixed period of time.

8. In the instant case, the grounds given by the appellant-company for condoning the delay in filing appeal are not at all convincing. The appellant-company has merely given circuitous pleas in support of its application for condonation of delay. The appellant is a real estate company having sufficient means at its command to act promptly in the eventuality it wishes to prefer an appeal before this forum. Section 44(2) of the Real Estate (Regulation and Development) Act, 2016, period of 60 days has been prescribed for preferring an appeal. However, in the instant case, appeal has been filed after inordinate delay and no cogent reasons are forthcoming for condonation thereof. The appellant has failed to prove that it was reasonably diligent in prosecuting the matter and this vital test for condoning the delay is not satisfied in the present case.

9. The allottees have suffered long enough as the order was passed way back on 01.03.2023. The allottees had to fight a protracted battle with the promoter who is in dominant position. Occupation certificate was granted to the appellant in

CM No.1367 of 2023 in/and  
Appeal No. 649 of 2023 & connected appeals

the year 2017. Admittedly, the allottees have paid the balance outstanding amount. Vide impugned order, the appellant has been directed to execute the conveyance deed in favour of the respondents-allottees.

9. The applications are, thus, without any merit and are dismissed.

10. Consequently, the appeals are also dismissed.

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

12. File be consigned to records.

Justice Rajan Gupta,  
Chairman,  
Haryana Real Estate Appellate Tribunal

Rakesh Manocha  
Member (Technical)

March 04, 2025/mk