

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.702 of 2024

Date of Decision: February 07, 2025

Madhumita Roy, Flat 1802, Vision Downtown, Hamdan Street, Abu Dhabi, United Arab Emirates

Appellant.

Versus

Real Projects Private Limited, M-48, Basement Floor, Greater Kailash-II, New Delhi-110048

Respondent

Present : Mr. Anuj Kumar Chauhan, Advocate for the Appellants.

CORAM:

**Justice Rajan Gupta
Rakesh Manocha**

**Chairman
Member (Technical)**
(Joined through VC)

ORDER:

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against order dated 16.08.2023, passed by the Authority¹, operative part whereof reads as under:

“i).The respondent-promoter is directed to refund the amount of Rs.31,87,148/- after deducting 10% of the basic sale price of the unit being earnest money along with interest @10.75% p.a. on the refundable amount, from the date of cancellation i.e. 16.07.2021 till the actual date of refund of the amount.

ii) A period of 90 days is given to the respondent to comply with the directions given in this order and failing which legal consequences would follow.”

¹ Haryana Real Estate Regulatory Authority, Gurugram

2. Along with the appeal, an application for condonation of 265 days' delay has been filed. The application was accompanied by a short affidavit of the allottee. However, today a detailed affidavit has been submitted in support of plea for condonation of delay. Main ground appears to be that the allottee is living abroad and thus considerable time was consumed in holding discussions with the counsel and to submit affidavit in view of formalities involved.

3. With the facilities of video-conferencing and other electronic modes available in the present era, we find the plea of delay on the appellant being abroad is quite flimsy. Even otherwise, a perusal of the order shows that the Authority has already granted relief to the allottee-appellant, however, certain monetary issue i.e. deduction of 10% from the refunded amount is the grouse of the allottee.

4. It is evident that at the time order was passed, the appellant was heard and her counsel addressed arguments. In these circumstances, it is inexplicable why he appellant-allottee remained quiet for almost nine months before filing the instant appeal. It is well-settled that 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. (See-***Pathapati Subba Reddy (Died) by L.Rs. & Ors. V. The Special Deputy Collector- SLP (Civil) No. 31248 of 2018, decided on 08.04.2024.***)

5. In view of the above, the application for condonation of delay is without any merit and is hereby dismissed. Consequently, the appeal is also dismissed.

6. File be consigned to the record.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Rakesh Manocha
Member (Technical)
(Joined through VC)

February 07, 2025
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