

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**Appeal No.189 of 2024 (O&M)  
Dated 02.05.2025**

1. Guru Prakash Avvaru @ A Guru Prakash, aged 49 years, son of Shri Guru Prasad Avvaru @ Shri A Guru Prasad, resident of Current Address: 3909 Stevenson Blvd, Apt 403, Foremonth. CA 94538, permanent address: A606, Prabhath Signature Sathvahana Nagar, Kalamandi Lane, Kukatpally, Hyderabad Telangana 500072 through his Special Power of Attorney Holder (brother-cum-co-owner) Shri Suresh Kumar Avvaru @ A Suresh Kumar, aged 48, son of A. Guru Prasad, Resident of A606, Prabhath Signature Sathvahana Nagar, Kalamandi Lane, Kukatpally, Hyderabad Telangana 500072;
2. Suresh Kumar Avvaru @ A Surech Kumar, aged 48, son of Shri Guru Prasad Avvaru @ Shri A Guru Prasad, Resident of A606, Prabhath Signature Sathvahana Nagar, Kalamandi Lane, Kukatpally, Hyderabad Telangana 500072.

Appellants

Versus

M/s Achievers Builders Pvt. Ltd. registered office at Kalindi Hills, Sector 49, Faridabad Haryana 121001 Second address: 15, Shopping Centre, Part-1, Sector 15-A, Faridabad (Haryana) 121007

Respondent

**CORAM:**

**Justice Rajan Gupta  
Mr. Rakesh Kumar Manocha**

**Chairman  
Member (Technical)**

Present : Mr. Yaman, Advocate,  
for the appellant.

**O R D E R:**

**RAJAN GUPTA, CHAIRMAN (Oral):**

Present appeal is directed against order dated 21.09.2023 passed by the Authority<sup>1</sup> at Panchkula. Operative part thereof reads as under:

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

*“4. It is a matter of record that complainants had booked the villa/unit in the year 2006 which was offered in the year 2008 by respondent vide letter dated 15.12.2008 after receiving occupation certificate. However, the complainants have failed to take the matter with respondent since then to take possession after paying the outstanding dues and to execute the conveyance deed in their favour and kept mum for so many years without pursuing any legal remedy before any forum. It is evident that complainants were lackadaisical. Now, after more than 15 years, complainants have filed the present complaint which is not maintainable being barred by limitation. Accordingly, the complaint filed by the complainants stands dismissed being barred by limitation.*

*5. File be consigned to the record room after uploading the order on the website of the Authority.”*

2. It appears that the appellants applied for a unit in the project floated by the respondent company, namely ‘Status Expandable Villa,’ situated at Sector 49, Kalinadi Hills, Faridabad. They were allotted Unit No. 4555 on 31.08.2006. The construction of the unit was to be completed within a period of 18 months. The Directorate of Town and Country Planning Department, Haryana, granted the Occupation Certificate on 07.11.2007. Thereafter, an offer of possession was made on 15.12.2008. The complainants claimed that they had remitted the entire consideration (₹45,55,000/- ) to the promoter at that time. However, as per the order of the Authority, the complainants were unable to submit any proof of receipt for the last payment made. It was thus concluded that the complainants did not come forward to pay the outstanding dues pursuant to the letter dated 15.12.2008. They filed the complaint before the Authority 15 years later. The Authority, therefore, dismissed the complaint, observing that it was barred by limitation.

3. Only argument put forward by learned counsel for the appellant is that limitation cannot stand in his way as the matter involves a continuous cause of action.

4. Be that as it may, the complaint suffers from serious laches. Admittedly, occupation certificate was granted on 07.11.2008, which is much prior to the enactment of RERA Act<sup>2</sup>. The RERA Act came into force by virtue of notification dated 25.03.2016. It is, therefore, inexplicable how the present dispute falls within the purview of the RERA Act.

5. Under these circumstances, there is no merit in this appeal and the same is hereby dismissed.

6. Copy of this order be forwarded to the parties, their counsel and the Authority below.

7. File be consigned to the records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Rakesh Manocha  
Member (Technical)  
(joined through VC)

02.05.2025  
Manoj Rana

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<sup>2</sup> Real Estate (Regulation and Development) Act, 2016