

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**Appeal No.305 of 2025**

**Date of Decision: August 12,2025**

Sushma Jain, House No. 150, Sector 14, Sonipat, Haryana

Appellant.

Versus

1. Haryana Real Estate Regulatory Authority, New PWD Rest House, Civil Lines, Gurugram, Haryana-122001

2. BPTP Limited, 28, ECE House, Ist Floor, Kasturba Gandhi Marg, New Delhi-110001

Respondents

Present: Mr. Vishal Singhal, Advocate for the appellant.

**CORAM:**

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

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

**ORDER:**

**RAJAN GUPTA, CHAIRMAN**

Present appeal is directed against order dated 03.12.2024, passed by the Authority<sup>1</sup>, whereby the complaint filed by the complainant (appellant herein) was dismissed as not maintainable.

2. The Authority, placing reliance on the judgment in ***B.L.Sreedhar and others v. K. M. Munireddy and others*** [AIR 2003 SC 578] found that delay in filing the complaint was fatal and thus rejected the same.

3. Counsel for the appellant has assailed the order. According to him, the allottee has been unduly harassed. The complaint was filed by her as a last resort, however, the

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

controversy has not been appreciated by the Authority in right perspective.

4. We have heard learned counsel for the appellant.

5. It appears that allotment of the unit in question was made on 09.09.2008. No buyer's agreement was, however, executed. Due date of possession was computed as 09.09.2011. As per record, the complainant remitted Rs.16,00,000/- to the promoter out of total consideration of Rs.41,92,860/-. Ultimately, the promoter cancelled the allotment vide letter dated 27.04.2012. As per its stand, the amount was refunded to the allottee vide cheques dated 18.04.2012.

6. We are of the considered view that the entire issue is pre-RERA. The special enactment came into force in the year 2017, however, transactions between the parties came to an end way back in the year 2012 when the allotment was cancelled and the earnest money was refunded to the allottee. The complainant invoked jurisdiction of the Authority knowing well that the matter would not fall within the ambit of RERA as the dispute had come to an end in 2012. The instant complaint has been preferred a decade thereafter i.e. in the year 2022

7. In view of above, the appeal is without any merit and is hereby dismissed with costs of Rs.10,000/- to be remitted to Poor Patients' Fund, PGMIER, Chandigarh.

8. In view of the fact that appeal has been disposed of on merits, no order needs to be passed in the application for condonation of delay.

9. Copy of the order be sent to the parties/their counsel and the Authority.

10. File be consigned to records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Rakesh Manocha  
Member (Technical)

August 12, 2025  
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