

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Date of Decision: November 13, 2025

(1) Appeal No. 493 of 2023

Amit Jaggi, resident of B-65, Defence Colony, New Delhi
110024

Appellant

Versus

M 3 M India Limited through its Director, M3M Cosmopolitan,
12th Floor, Golf Course Road (Extension), Sector 66, Gurugram-
1220002, Haryana

Also at: 6th Floor, North Block, M3M Tee Point, Sector 65,
Gurugram-122002, Haryana

(2) Appeal No. 494 of 2023

1. Poonam Bhatt D/o S S Bhatnagar & W/o Nisha Nath Bhatt
R/o F-22, Ground Floor, Rajouri Garden, Tagore Garden, S O,
Tagore Garden West Delhi, Delhi 110027, Presently residing at
A-609, Oxy Home, Ghaziabad UP-201102

2. Chitra Bhatt D/o Nisha Nath Bhatt R/o F-22, Ground Floor,
Rajouri Garden, Tagore Garden, S O, Tagore Garden West
Delhi, Delhi 110027, Presently residing at A-609, Oxy Home,
Ghaziabad UP-201102

Appellants

Versus

M 3 M India Limited through its Director, M3M Cosmopolitan,
12th Floor, Golf Course Road (Extension), Sector 66, Gurugram-
1220002, Haryana

Also at: 6th Floor, North Block, M3M Tee Point, Sector 65,
Gurugram-122002, Haryana

CORAM:

Justice Rajan Gupta
Dr. Virender Parshad
Dinesh Singh Chauhan

Chairman
Member (Judicial)
Member (Technical)

Present: Mr. Pavan Malik, Advocate for the appellants.
Mr. Aman Arora, Advocate for the respondent.

O R D E R:

JUSTICE RAJAN GUPTA, CHAIRMAN:

This order shall dispose of above-mentioned two appeals, as common questions of law and facts are involved therein. However, the facts have been extracted from Appeal No. 493 of 2023.

2. Present appeal is directed against order dated 07.03.2023 passed by the Authority¹. Operative part thereof reads as under:

“F. Directions of the authority

44. Hence, the authority hereby passes this order and issue the following directions under section 37 of the Act to ensure compliance of obligations cast upon the promoter as per the function entrusted to the authority under section 34(f) of the Act of 2016:

i. The respondent shall pay interest at the prescribed rate i.e. 10.70% per annum for every month of delay on the amount paid by the complainant from due date of possession i.e. 11.11.2016 till 31.10.2017 i.e. till starting of ‘Zero period’ w.e.f. 01.11.2017 till 30.09.2020, as per section 18(1) of the Act of 2016 read with rule 15 of the rules.

ii. The respondent is directed to pay arrears of interest accrued within 90 days from the date of order.

iii. The rate of interest chargeable from the allottee by the promoter, in case of default shall be charged at the prescribed rate i.e. 10.70% by the respondent/promoter which is the same rate of

¹ Haryana Real Estate Regulatory Authority, Gurugram

interest which the promoter shall be liable to pay the allottee, in case of default i.e. the delayed possession charges as per section 2(zd) of the Act.

iv. The complainant is also directed to pay outstanding dues, if any, after adjustment of interest for the delayed period.

v. The respondent shall not levy any charges from the complainant which is not the part of buyer's agreement.

45. This decision shall mutatis mutandis apply to cases mentioned in para 3 of this order.

46. Complaint stands disposed of. True certified copy of this order shall be placed in the case file of each matter.

47. File be consigned to registry.”

3. Counsel for the appellant-allottee has assailed the order on the limited ground that DPC² have not been correctly computed by the Authority. Besides, the appellant-allottee is entitled to DPC till actual handing over of possession.

4. Counsel for the respondent-promoter submits that the Authority has taken all factors into account while passing the impugned order. As per him, after completion of towers, Occupation Certificate was promptly applied by the respondent-promoter on 12.05.2017 thus, delay in grant of Occupation Certificate cannot be attributed to the respondent-promoter.

5. It appears that a project in the name and style of “M3M Urbana” was floated by the respondent-promoter in Sector 67, Gurugram. A unit bearing No. SB/R/GL-08,

² Delayed Possession Charges

measuring 949.97 square feet was allotted to original allottee on 21.03.2011, which was subsequently allotted to the appellant on 20.07.20213 by way of transfer. Due date of possession was 11.11.2016. Out of total sale consideration of Rs.1,26,18,036/-, the appellant-allottee paid an amount of Rs.1,17,46,082/-. Occupation Certificate was granted to the respondent-promoter on 03.07.2020. Immediately thereafter, offer of possession was made on 11.07.2020. Stand of the promoter is that subsequent to issuance of offer of possession, demand of balance amount was raised against the appellant-allottee, however, the allottee never came forward to clear the dues and take possession.

6. Having heard learned counsel for the parties and perused the record, only question that arises for our consideration and consequent decision is the period for which the appellant-allottee is entitled for DPC.

7. In our considered view, the Authority has erred in granting zero period to the respondent-promoter from 01.11.2017 till 30.09.2020 in view of the time taken by the office of DTCP for grant of Occupation Certificate. It is on record that Occupation Certificate was granted to the respondent-promoter on 03.07.2020. Immediately thereafter, it made offer of possession vide letter dated 11.07.2020. The appellant-allottee would, thus, be entitled to DPC from due date of possession i.e. 11.11.2016 till 11.07.2020 when valid offer of possession was made.

8. In view of above, the impugned order is modified to the extent that the appellant-allottee would be entitled to DPC from 11.11.2016 till 11.07.2020.

9. It is, thus, directed that the respondent-promoter shall remit the amount due to the appellant-allottee(s) in both the appeals within 90 days of uploading of this order, failing which it shall be liable to pay Rs.5,000/- per days as penalty till continuance of default in terms of Section 64 of the Real Estate (Regulation & Development) Act, 2016.

10. The appeals stand disposed of.

11. Files be consigned to records.

Justice Rajan Gupta,
Chairman,
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad
Member (Judicial)

Dinesh Singh Chauhan
Member (Technical)

November 13, 2025/mk