

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

CM No. 476 of 2025 in/and

Appeal No.181 of 2025

Date of Decision: December 08,2025

M/s Omaxe Ltd., through its Authorized Representative, namely Sh. Parveen Kumar, Regd. Office at Shop no. 19-B, 1st Floor, Omaxe Celebration Mall, Sohna Road, Gurugram-122001 and Corporate Office: 10, Kalkaji, New Delhi-110019

Appellant

Versus

Rishipal s/o Sh. Bharath Singh, R/o House NO. 22, VPO Kharak Bura, Tehsil Narwana, District Jind, Haryana

Respondent

CORAM:

**Justice Rajan Gupta
Dr. Virender Parshad
Dinesh Singh Chauhan**

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

Present : Mr.Ankit Kumar, Advocate,
for the appellant.

O R D E R:

RAJAN GUPTA, CHAIRMAN

Present appeal is directed against order dated 02.03.2023 passed by the Authority¹, whereby the appellant-promoter has been directed to make entire payment of Rs.7,10,058/- to the respondent-allottee within 90 days from the date of order. The appeal is accompanied by an application seeking condonation of delay of 617 days in filing thereof.

¹ Haryana Real Estate Regulatory Authority, Panchkula

2. The impugned order is dated 02.03.2023. As per the appellant, neither any intimation regarding decision of the case was given nor copy of the order was communicated to it. The appellant contends that it came to know about the order in February, 2025 when it checked on-line status of the case. Ultimately, decision was taken to file an appeal and the counsel was instructed to prepare the same. After preparation of appeal, the same was provided to the appellant for approval. On perusal thereof, certain points were noticed by officials of legal cell of the company which were brought to the notice of the counsel. After making changes therein, the counsel was instructed to file the appeal. The delay occurred for bonafide reasons which were beyond their control.

3. We have heard learned counsel for the appellant and given careful thought to the facts of the case.

4. It is trite law that application seeking condonation of delay must provide sufficient, specific and credible reasons explaining the delay. Vague and unsubstantiated reasons are generally insufficient. If the grounds are so specious, there is no option but to reject the application seeking condonation of such huge delay. In a recent judgment of the Hon'ble Supreme Court in **Pathapati Subba Reddy (Died) by L.Rs. & Ors. V. The Special Deputy Collector (LA)**², various principles governing condonation of delay have been culled out. Paragraph 26 thereof is reproduced hereunder:

² 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.”

5. 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 light of 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.

6. In the instant case, the grounds given by the appellant seeking condonation of delay are not at all convincing. The appellant-company has merely given specious 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. Under Section 44(2) of the Real Estate (Regulation and Development) Act, 2016, a period of 60 days has been prescribed for preferring an appeal. However, in the instant case, appeal has been filed after a delay of 617 days and no cogent reasons are forthcoming for seeking condonation thereof. The appellant-company has also failed to prove that it was reasonably diligent in pursuing the matter and this vital test for condoning the delay remains unsatisfied in the present case.

7. The application is, thus, without any merit and same is hereby dismissed. Consequently, the appeal is also dismissed.

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

9. The amount of pre-deposit made by the appellant-promoter in terms of proviso to Section 43(5) of the RERA Act along with interest accrued thereon, be remitted to the Authority for disbursement to the respondent-allottee, subject to tax liability, if any.

10. File be consigned to records.

Justice Rajan Gupta,
Chairman,
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad
Member (Judicial)

Dinesh Singh Chauhan
Member (Technical)

December 08,2025
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