

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**CM No. 1179 of 2025 in/and**

**Appeal No.819 of 2025**

**Date of Decision: December 08, 2025**

(i) Prithvi Gupta

(ii) Rajni Sajal

Both residents of Flat No. T-13, Green Park Extension, New  
Delhi-110016

Appellants

Versus

Vatika Limited, Unit No. A-002, INXT City Centre, Ground Floor,  
Block-A, Sector 83, Vatika Limited Next, Gurugram-122012,  
Haryana

Respondent

**CORAM:**

**Justice Rajan Gupta**  
**Dinesh Singh Chauhan**

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

Present : Mr.Karan Kaushal, Advocate with  
Mr. Nitesh Dalal, Advocate,  
for the appellants.

**ORDER:**

**RAJAN GUPTA, CHAIRMAN**

Present appeal is directed against order dated 06.10.2023 passed by the Authority<sup>1</sup>, whereby the respondent-promoter has been directed to refund the amount received by it from the complainants along with interest @ 10.75% per annum from the date of each payment till the actual date of refund of the deposited amount after deduction of assured return already paid. The appeal is accompanied by an application seeking condonation of delay of 570 days in filing thereof.

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

2. The impugned order is dated 06.10.2023. As per the appellants, the appeal could not be filed within the period of limitation as the brother and mother-in-law of appellant No. 1 were hospitalized and appellant No. 1 is the only person in the family to look after them. Due to this reason, the appellants could not contact the counsel at Chandigarh for filing the appeal. The delay occurred due to bonafide reasons, which were beyond their control.

3. We have heard learned counsel for the appellants 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)**<sup>2</sup>, various principles governing condonation of delay have been culled out. Paragraph 26 thereof is reproduced hereunder:

*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.*

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<sup>2</sup> SLP (Civil) No. 31248 of 2018, decided on 08.04.2024

- (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

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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 appellants for seeking condonation of delay are not at all convincing. In support of their plea that the brother and mother-in-law of appellant No. 1 were hospitalized and appellants could not give instructions to the counsel to file the appeal, no medical evidence has been produced. 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, the appeal has been filed after a delay of 570 days and no cogent reasons are forthcoming for seeking condonation thereof. The appellants have also failed to prove that they were 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. File be consigned to records.

Justice Rajan Gupta,  
Chairman,  
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan  
Member (Technical)

December 08,2025/mk