

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**Date of Decision: January 08, 2026**

**(1) Appeal No. 898 of 2025**

(i) Vikas Rana

(ii) Indrawati Rana

Both R/o A4-702, Puri Diplomatic Greens, Dwarka Expressway  
Sector-111, Gurgaon

...Appellants

**Versus**

Puri Constructions Private Limited, 4-7b Ground Floor, Tolstoy House  
15 and 17 Tolstoy Marg, New Delhi

...Respondent

**(2) Appeal No. 899 of 2025**

Neeraj Singh, A1-201, Puri Diplomatic Greens, Dwarka Expressway,  
Sector-111 Gurgaon

...Appellant

**Versus**

Puri Constructions Private Limited, 4-7b Ground Floor, Tolstoy House  
15 and 17 Tolstoy Marg, New Delhi

...Respondent

**(3) Appeal No. 901 of 2025**

(i) Arvind Singh Rawat

(ii) Vandana Bist

Both R/o 1402, Plot No. 18, Vasudhara CGHS Sector 22, Dwarka, New  
Delhi

...Appellants

**Versus**

Puri Constructions Private Limited, 4-7b Ground Floor, Tolstoy House  
15 and 17 Tolstoy Marg, New Delhi

...Respondent

**CORAM:**

**Justice Rajan Gupta  
Dinesh Singh Chauhan**

**Chairman  
Member (Technical)**

Present: Mr. Yashvir Singh Balhara, Advocate for the appellants.

**ORDER:**

**RAJAN GUPTA, CHAIRMAN**

This order shall dispose of above-mentioned appeals, as common questions of law and facts are involved therein. However, the facts have been extracted from Appeal No. 898 of 2025.

2. Present appeal is directed against order dated 06.05.2025 passed by the Authority<sup>1</sup> dismissing the complaint filed by the appellant-allottees being not maintainable.

3. It appears that a project in the name and style of 'Diplomatic Greens' was floated by the respondent-promoter in Sector 110A and 111, Gurugram. The appellant-allottees were allotted a unit measuring 1780 square feet therein. Total sale consideration of the unit was Rs.1,43,00,336/-. The appellant-allottees paid the entire amount as per statement of account. Due date of possession was 24.03.2016. Occupation Certificate to the project was granted on 29.08.2016. Immediately thereafter, offer of possession was given to the appellant-allottees on 01.10.2016. As there was delay in handing over the possession, the appellant-allottees filed a complaint on 05.08.2022 before the Authority seeking DPC<sup>2</sup>.

4. The complaint was, however, dismissed by the Authority being not maintainable.

5. Learned counsel for the appellant-allottees has assailed the impugned order on the ground that the demand made by the respondent-promoter at the time of offer of possession from them was illegal.

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

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

<sup>2</sup> Delayed Possession Charges

7. It is on record that offer of possession was made to the allottees on 01.10.2016 after grant of Occupation Certificate to the project on 29.08.2016. Thereafter, possession was given to the appellant-allottees in the year 2017. Conveyance Deed was also executed in favour of the appellant-allottees on 27.04.2018. However, the appellant-allottees approached the Authority on 05.08.2022 i.e. after more than five years from the date of actual handing over of possession.

8. Keeping in view the fact that:

- (i) admittedly, Occupation Certificate was received by the promoter on 29.08.2016 and complaint was instituted on 05.08.2022;
- (ii) the allottees took possession in the year 2017;
- (iii) no cogent reason has been given by the allottees in their complaint before the Authority for such a huge delay in filing thereof;
- (iv) as the appellant-allottees are in possession of the property since 2017 and have been enjoying usufruct of the same, it appears that they initiated the complaint only for monetary gains; and
- (v) the complaint suffers from severe delay and laches.

9. In **B. L.Sreedhar and others v. V.K.M. Munireddy and others**, AIR 2003 SC 578, Hon'ble the Supreme Court observed as under:

*"Lapse of time and delay are most material when the plaintiff, by his conduct may be regarded as waiving his rights, or where his conduct, though not amounting to a waiver, has placed the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards asserted. When, however, an argument against a relief, otherwise just, is founded upon mere delay not amounting to bar by limitation, the validity of that defence must be tried by principles substantially equitable."*

10. In view of above, we find no infirmity with the impugned order passed by the Authority below dismissing the complaint.

11. The appeals are thus, without any merit and are hereby dismissed.

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

13. Files be consigned to records.

Justice Rajan Gupta  
Chairman  
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan  
Member (Technical)

January 08, 2026  
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