

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 553 of 2025

Date of Decision: January 08, 2026

(i) Rajiv Chadha

(ii) Shashi Chadha

Both R/o FW09-18B, M3M Golf Estate, Sector 65, Golf Course Extension Road, Gurugram 122001, Haryana

Appellants.

Versus

M3M India Pvt. Ltd., 6th Floor, 'M3M Tee Point', North Block, Sector 65, Gurugram, Haryana 122101

Respondent.

CORAM:

Justice Rajan Gupta

Dr. Virender Parshad

Dinesh Singh Chauhan

Chairman

Member (Judicial)

Member (Technical)

Present: Mr. Sameer Tripathi, Advocate for the appellants.

ORDER:

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against order dated 18.03.2025, passed by the Authority¹. Operative part thereof reads as under:

“19. In the present matter the cause of action arose on 29.05.2017 when the possession was offered to the complainants by the respondent. The complainants have filed the present complaint on 09.01.2023 which is 5 years 7 months and 11 days from the date of cause of action. In the present case the three year period of delay in filing of the case also after taking into account the exclusion period from 15.03.2020 to 28.02.2022 would fall on 12.05.2022. In view of the above, the Authority is of the view that the present complaint has not been

¹ Haryana Real Estate Regulatory Authority, Gurugram.

filed within a reasonable time period and is barred by the limitation.

20. *No doubt, one of the purposes behind the enactment of the Act was to protect the interest of consumers. However, this cannot be stretched to an extent that basic principles of jurisprudence are to be ignored and are given a go by especially when the complainant/allottees have already availed aforesaid benefits before execution of conveyance deed.*

21. *Further, as observed in the landmark case i.e. **B.L. Sreedhar and Ors v. K. M. Munireddy and Ors. [AIR 2003 SC 578]** the Hon'ble Supreme Court held that "Law assists those who are vigilant and not those who sleep over their rights". Law will not assist those who are careless of their rights. In order to claim one's right, one must be watchful of his rights. Only those persons, who are watchful and careful of using their rights, are entitled to the benefit of law.*

22. *In the light of the above stated facts and applying aforesaid principles, the authority is of the view that the present complaint is not maintainable after such a long period of time. The procedure of law cannot be allowed to be misused by the litigants even in cases where allottees have availed certain benefits prior to the execution of conveyance deed. It is a principle of natural justice that nobody's right should be prejudiced for the sake of other's right, when a person remained dormant for such an unreasonable period of time without any just cause. In light of the above, the complaint is not maintainable and the same is declined.*

23. *Complaint as well as applications, if any, stand disposed of accordingly.*

24. File be consigned to registry.

*Sd/-
Ashok Sangwan
Member*

*Sd/-
Vijay Kumar Goyal
Member*

*Sd/-
Arun Kumar
Chairman
Haryana Real Estate Regulatory Authority,
Gurugram”*

2. It appears that a project in the name and style of M3M Golf Estate was floated by the respondent-promoter in Sector 65, Gurugram. The appellant-allottees applied for a residential flat therein. They were allotted a unit measuring 3365 square feet. Builder Buyer’s Agreement was executed between the parties on 17.02.2011. Due date of possession was 20.08.2014. Occupation Certificate to the project was granted on 12.04.2017. The respondent-promoter made offer of possession on 29.05.2017. It appears that the appellant-allottees took possession of the unit on 22.01.2018 and Conveyance Deed was executed on 19.06.2018. Almost more than five years thereafter, the appellant-allottees preferred the instant complaint seeking Rs.98,15,402/- as DPC² for delay in handing over the possession and also refund of amount of Rs.39,11,541/-, claimed to have been charged by the respondent-promoter as PLC; and also refund of Rs.5,77,002/- stated to have been charged for the second car parking.

3. The claim of the appellant-allottees was resisted on various grounds by the respondent-promoter. It claimed that it had provided necessary assistance to the appellant-allottees for availing finance from TATA Capital Housing Finance Limited,

² Delayed Possession Charges

pursuant where to loan was sanctioned in favour of the appellant-allottees. The respondent-promoter completed the construction and applied for grant of Occupation Certificate on 23.12.2016 which was granted by DTCP in respect of the tower in question on 12.04.2017. Thereafter, valid offer of possession was made to the appellant-allottees on 29.05.2017. The appellant-allottees, however, dilly dallied and took possession only on 22.01.2018. Ultimately, conveyance deed was executed on 19.06.2018. It also contended that the complaint had been filed more than 5 years after execution of the conveyance deed and was thus hopelessly time-barred.

4. After considering rival claims, the Authority came to the conclusion that the appellant-allottees had slept over the matter for more than five years after valid offer of possession was made to them. Relying upon the judgment of Hon'ble Supreme Court in ***B. L.Sreedhar's case (supra)***, it dismissed the complaint.

5. It is on record that the competent authority (DTCP) granted Occupation Certificate in respect of the tower in which unit of the appellant-allottees is situated vide letter dated 12.04.2017. Immediately thereafter, i.e. on 29.05.2017, offer of possession was made to the appellant-allottees. Since the offer was backed by an Occupation Certificate, same has to be treated as valid offer of possession. There is no whisper in the entire complaint as regards validity of offer of possession. There can also be doubts about the complaint outside the purview of the Act, being pre-RERA, as the Act came into force on 28.07.2017. Be that as it may, the appellant-allottees having

quantified all the claims themselves in monetary terms, may not be able to wriggle out of huge delay and laches in filing the complaint. The law laid down in ***B.L. Sreedhar's case (supra)*** cannot be over-looked in the facts and circumstances of this case. Relevant part is reproduced hereunder for ready reference:

"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."

6. In view of the above, the appeal is dismissed.
7. Copy of this order be sent to the parties/their counsel and the Authority.
8. File be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad
Member (Judicial)

Dinesh Singh Chauhan
Member (Judicial)

January 08, 2026
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