

M/s Sunrays Heights Pvt Ltd vs. Deepika Sharma
C.M. Nos. 614 of 2025 and 752 of 2026
In Appeal No. 29 of 2025

Present: Mr. Ankur Mittal, Senior Advocate assisted by
Ms. Kushaldeep Kaur, Advocate,
Mr. Siddhant Arora, Advocate,
Mr. Vikas Gupta, Advocate,
Mr. Tushar Bahamani, Advocate,
for the appellant.

CM No.752 of 2026:

This is an application for early hearing of the appeal. As the main appeal has been taken up for hearing, therefore, the instant application is rendered infructuous. Disposed of as such.

Main Appeal:

Mr. Mittal, learned senior counsel submits that complete pre-deposit in terms of proviso to Section 43(5) of the RERA Act has been made. Report of the registry is to the same effect.

Challenge in the present appeal is to order dated 30.05.2024 passed by the Authority at Gurugram whereby cancellation letter issued by the promoter (M/s. Sunrays Heights Pvt. Ltd.) has been held to be bad in the eyes of law and promoter has been directed to handover possession along with delay possession charges (DPC) to the allottee. Mr. Mittal, learned senior counsel has vehemently argued that the allottee herself has failed to pay the balance payment despite repeated reminders and publication as per Affordable Housing Policy, 2013. It is only after following the entire/due procedure that cancellation was resorted. He further contends that as the allottee violated Clauses 3.3 and 4.1 of the Builder Buyer's Agreement, therefore, the allottee would not be entitled to DPC.

Issue notice for 07.04.2026.

Notice re: condonation of delay as well.

Process be issued for this purpose.

Mr. Mittal, learned senior counsel has further expressed his apprehension that there may be recovery proceedings during the pendency of the appeal. As requisite pre-deposit has been made by the appellant-promoter, it may be protected till the next date of hearing.

In view of above, it is directed that the Executing Court would adjourn the matter for a short date beyond the next date fixed before this Tribunal.

Photocopy of this order be placed in file of Appeals No.326, 327, 329, 380, 381 of 2024 and 258 of 2025.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

05.03.2026
Manoj Rana