

and they came to know about the same only upon making inquiry at a later stage.

3. It is further contended that after becoming aware of the order, the appellants approached the respondent for possession of Unit/Shop No.0059 having super area of 552 sq. ft. in the project “Amb Selfie Street” situated at Sector 92, Gurugram. It is also contended that though earlier, there was willingness on the part of the respondent to accept payment with interest and hand over the possession, the same was later refused due to escalation in the property rates. The appellants thereafter engaged the counsel for filing the appeal. Consequently, delay occurred as the appellants were out of station and some time was taken in finalizing the papers.

4. I have heard learned counsel for the appellants and given careful thought to the facts of the case.

5. 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:

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.

² 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 and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.”*

6. On a perusal of the principles laid down in the aforesaid judgment, it is evident that though a liberal and justice-oriented approach has to be adopted, it cannot be used to defeat the substantial law of limitation as laid down in 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. It is trite law that in case the grounds are so specious that sufficient cause for condoning the delay is not made out, such application has to be rejected.

7. In the instant case, the grounds given by the appellant for condoning the delay in filing the appeal are not at all convincing. The appellants have merely given circuitous pleas in support of their application for condonation of delay. Under Section 44(2) of the Act³, a period of 60 days has been prescribed for preferring an appeal. However, in the instant case, appeal has been filed after an inordinate delay (487 days) and no cogent reasons are forthcoming for condonation thereof. The facts averred in the application do not satisfy such a prolonged delay. The applicants have failed to show that the delay was beyond their control or that they acted with reasonable promptness upon gaining knowledge of the impugned order. The appellants have failed to prove that they were reasonably diligent in prosecuting the matter and this vital test for condoning the delay is not satisfied in the present case.

³ The Real Estate (Regulation and Development) Act, 2016

8. In view of above, this Court is of the considered view that sufficient grounds for condoning the delay are not made out.

9. Accordingly, the application for condonation of delay is dismissed. Consequently, the appeal would not survive and would meet the same fate.

10. Copy of this order be sent to the appellants/their counsel and the Authority.

11. File be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan
Member (Technical)

May 01, 2026
Rana