

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**Appeal No. 131 of 2024**  
**Date of decision: May 18, 2026**

TATA Housing Development Company Limited through its authorized representative, E-Block, Voltas Compound, T.B. Kadam Marg, Chinchpokli, Mumbai-400033 and corporate office at Intellion Edge, Sector 72, Gurugram, Haryana

Appellant.

Versus

(i) Srikanth Srinivasan

(ii) Suman Srinivasan

# EF-10B, Primanti Garden Estate, Sector 72, Gurgaon-12210, Haryana

Respondents

**CORAM:**

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

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

Argued by: Ms. Sandhya Gaur, Advocate for the appellant.  
Mr. Jagdeep Kumar, Advocate for the respondents.

**ORDER:**

**RAJAN GUPTA, CHAIRMAN**

Present appeal is directed against order dated 29.11.2023, passed by the Authority<sup>1</sup>. Operative part thereof reads as under:

***“I. Directions issued by the Authority:***

*53. Hence, the Authority hereby passes this order and issues the following directions under section 37 of the Act to ensure compliance with obligations cast*

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

*upon the promoter as per the functions entrusted to the Authority under Section 34(f) of the Act of 2016:*

*I. The respondent is directed to pay delayed possession charges to the complainants against the paid-up amount for every month of delay from the due date of possession i.e. 21.03.2014 till the offer of possession i.e. 23.03.2017 plus two months at the prescribed rate i.e. 10.75% p.a. as per proviso to Section 18(1) of the Act read with rule 15 of the rules after deducting the delayed compensation already paid by the respondent to the complainants as per the terms of the agreement to sale signed between them.*

*II. A period of 90 days is given to the respondent to comply with the direction given in this order failing which legal consequences would follow.*

*54. Complaint stands disposed of.*

*55. File be consigned to the Registry.”*

2. It appears that a project of residential group housing colony in the name and style of “Primanti” was floated by the appellant-promoter in Sector 72, Gurugram. The respondent-allottees booked a unit No. Executive Floor No. B, EF10 building GH Floor measuring 301.03 square meters therein. Builder Buyer’s Agreement was executed between the parties on 3.07.2012. Total sale consideration of the unit was Rs.2,74,81,250/-, out of which the allottees remitted an amount of Rs.2,67,59,985/-. Due date of possession was 21.03.2014. Occupation certificate to the project was granted on 24.08.2016. The appellant-promoter made offer of possession on 23.03.2017. As there was delay in handing over the possession, the respondent-allottees filed a complaint

before the Authority on 21.11.2022 seeking delay possession charges and other ancillary reliefs.

3. The stand of the appellant-promoter is that as the respondent-allottees had taken possession of the unit and conveyance deed was executed in their favour on 26.08.2021, they were not entitled for any delay possession charges.

4. After hearing rival contentions of the parties, the Authority issued the directions as enumerated in the opening paragraph of this judgment.

5. Learned counsel for the appellant contended that after execution of the conveyance deed on 26.08.2021, the respondent-allottees filed the complaint before the Authority more than one and a half year thereafter. She submitted that as the respondent-allottees were already paid compensation amounting to Rs.8,14,619/- as per the agreement, they were not entitled for delay possession charges.

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

7. Admittedly, the respondent-allottees are in possession of the unit and conveyance deed has been executed in their favour on 26.08.2021.

8. From a perusal of the record, it appears that the Authority has failed to take into consideration that the entire issue is pre-RERA as due date of possession was 21.03.2014 and Occupation Certificate to the project was granted on 24.08.2016. Valid offer of possession was made on 23.03.2017. It is, thus, inexplicable how the present appeal falls within the

ambit of RERA as entire transactions were completed prior to enactment of the special legislation. Even compensation of Rs.8,14,619/-, as per agreement, was given to the respondent-allottees.

9. In view of the above, the appeal is allowed and the order passed by the Authority is set aside.

10. The amount of pre-deposit made by the appellant-promoter along with interest, accrued thereon, be remitted to the Authority for disbursement to the appellant-promoter subject to tax liability, if any.

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

12. File be consigned to records.

Justice Rajan Gupta,  
Chairman,  
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan  
Member (Technical)

May 18,2026  
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