

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 1027 of 2025

Date of Decision: April 10, 2026

Vinod Kumar son of Sh.Sundar Dass, R/o 1448, Sector 9,
Faridabad, Haryana-121006

Appellant.

Versus

1. M/s BPTP Limited through its Managing Director, 28 ECE House, 1st Floor, KG Marg, New Delhi-110001, also at OT-14, 3rd Floor, Next Door Parklands, Sector 76, Faridabad-121004, Haryana

2. M/s Countrywide Promoters Pvt. Ltd. through its Managing Director, M-11, Middle Circle Connaught Circus New Delhi - 110001

Respondents

CORAM:

Justice Rajan Gupta
Dr. Virender Parshad
Dinesh Singh Chauhan

Chairman
Member (Judicial)
Member (Technical)

Present: Mr. Arjun Kundra, Advocate and
Mr. Pankaj Kaul, Advocate for the appellant.

ORDER:

RAJAN GUPTA, CHAIRMAN

Present appeal is directed against order dated 12.05.2025 passed by the Adjudicating Officer, Haryana Real Estate Regulatory Authority, Panchkula whereby the complaint filed by the allottee seeking compensation and interest was dismissed.

2. It appears that a project in the name and style of 'Park Elite Floors' was floated by the respondent-promoters in Sector 75, Faridabad. Mr. Navneet Singh (original allottee) booked an apartment therein on 27.05.2009 by paying Rs.3,00,000/-. Allotment letter dated 24.12.2009 was issued in his name. Builder Buyer's Agreement was executed on 01.04.2010. As per agreement, possession of the unit was to be handed over by 01.10.2012. Complainant had purchased allotment rights of the unit from Mr. Navneet Singh on 14.06.2012. An amount of Rs.28,05,961.6/- was paid against agreed sale price of Rs.25,56,002/-. The unit was endorsed in the name of the complainant on 14.06.2012. The promoters issued offer of possession to the allottee on 13.08.2021 and demanded balance outstanding dues. As the allottee failed to pay the same, the promoters terminated the unit on 03.12.2021 after issuing reminder dated 11.11.2021. After receiving occupation certificate on 02.03.2023, revised offer of possession was made to the allottee on 25.07.2023. As there was inordinate delay in handing over the possession, the allottee filed Complaint No. 126 of 2022 before the Authority. Vide order dated 04.05.2022, the Authority quashed the termination letter dated 03.12.2021 and further directed the promoters to hand over valid possession with payment of upfront delay interest of Rs.22,13,967/- and further, monthly interest of Rs.18,961/-. Thereafter, the allottee filed Complaint No. 1066 of 2023 seeking interest and compensation before the Adjudicating Officer. Vide the impugned order, the aforesaid complaint has been dismissed.

3. Feeling aggrieved, the allottee has preferred the present appeal.

4. We have heard learned counsel for the appellant and given careful thought to the facts of the present case.

5 As per Section 18(1) of the Act¹, the matters in which the project is not completed by the promoter within the stipulated period as per terms and conditions agreed between the parties, the allottee has the option of withdrawing from the project and seek relief of refund of the paid-up amount along with interest. However, if the allottee chooses to remain in the project, then the only remedy provided for the default of the promoter in completion of the project, is to get delay possession interest on the paid-up amount from the due date of possession till actual delivery of possession. (*See- Appeal No. 70 of 2023- Greater Noida Industrial Development Authority v. Ranjan Misra, decided on 20.04.2023*).

6. In the present case, the allottee has already availed the remedy of delay possession charges. The Authority, vide order dated 04.05.2022, quashed the termination letter dated 03.12.2021 and directed the promoters to hand over valid possession along with delay possession charges. Keeping in view the facts and circumstances of the case coupled with Section 18(1) of the Act, since the allottee opted not to withdraw from the project, he is not entitled for any additional compensation. We find no illegality in the impugned order passed by the Adjudicating Officer.

7. In view of the above, the appeal is dismissed.

¹ Real Estate (Regulation and Development) Act, 2016

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

9. File be consigned to records.

Justice Rajan Gupta,
Chairman,
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad
Member (Judicial)

Dinesh Singh Chauhan
Member (Technical)

April 10, 2026
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