

**BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL**

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**CM No 1516 of 2025 in/and  
Appeal No. 907 of 2025**

Date of decision: April 10, 2026

M/s IREO Victory Valley Pvt. Ltd., 5<sup>th</sup> Floor, Orchid Centre,  
Golf Course Road, Sector 53, Gurugram, Haryana-122002

Appellant.

Versus

Chandan Khaitan, Flat No. 1103, 16<sup>th</sup> Floor, The Close North,  
Nirvana Country, South City-II, Gurugram, Haryana-122002

Respondent

**CORAM:**

**Justice Rajan Gupta  
Dinesh Singh Chauhan**

**Chairman  
Member (Technical)**

Argued by: Mr. Randeep Singh Khaira, Advocate and  
Ms. Hanima Grewal, Advocate for the appellant.

**ORDER:**

**RAJAN GUPTA, CHAIRMAN**

Present appeal is directed against order dated 11.04.2022, passed by the Adjudicating Officer of the Authority<sup>1</sup> whereby the appellant-promoter has been directed to pay Rs.1,00,000/- for harassment and mental agony and Rs.50,000/- as litigation expenses along with interest @ 9.3% per annum from the date of order till realisation to the respondent-allottee. The appeal is accompanied by an application seeking condonation of delay of 1152 days in filing thereof.

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

2. The impugned order is dated 11.04.2022. In support of the application seeking condonation of delay, the appellant-promoter has alleged that operations of the company were hampered owing to the outbreak of COVID-19; the appellant had to scrutinize voluminous correspondence and records for preparing the appeal and considerable time was consumed in making efforts to settle the dispute with the respondent-allottee. In the process, the delay occurred which is neither deliberate nor intentional.

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

4. 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)**<sup>2</sup>, 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.*

*(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;*

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<sup>2</sup> SLP (Civil) No. 31248 of 2018, decided on 08.04.2024

- (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.”*

5. 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.

6. In the instant case, the grounds given by the appellant-company for condoning the delay in filing the appeal are not at all convincing. The appellant-company has merely given circuitous pleas in support of its application for condonation of delay. The appellant is a real estate company having sufficient means at its command to act promptly in the eventuality it wishes to prefer an appeal before this forum. Under Section 44(2) of the Act<sup>3</sup>, 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 (1152 days) and no cogent reasons are forthcoming for condonation thereof. The appellant has failed to prove that it was reasonably diligent in prosecuting the matter and this vital test for condoning the delay is not satisfied in the present case.

7. The application is, thus, without any merit and is dismissed.

8. Consequently, the appeal is also dismissed.

9. The amount of pre-deposit made by the appellant-promoter in terms of proviso to Section 43(5) of the Act along with interest accrued thereon, be remitted to the Authority for disbursement to the respondent-allottee, subject to tax liability, if any.

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

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<sup>3</sup> The Real Estate (Regulation and Development) Act, 2016

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11. File be consigned to records.

Justice Rajan Gupta,  
Chairman,  
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan  
Member (Technical)

April 10, 2026  
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