

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 650 of 2024
Date of Decision: 08.07.2026

Emaar India Limited (formerly known as Emaar MGF Land Limited),
306-308, 3rd Floor, Square One, C-2, District Centre, Saket, New Delhi-
110017, Also at Emaar Business Park, MG Road, Sikanderpur Chowk,
Sector-28, Gurugram-122002, Haryana through its Authorised
Representative Manish Mahajan, Aged 35 years.

Appellant

Versus

1. Harshit Agarwal;
2. Kiran Agarwal;
3. Garima Agarwal,

All residents of Flat no. 902, Tower-2, Gurugram Greens,
Sector 102, Gurugram, Haryana- 122505.

Respondents

Coram:

Justice Rajan Gupta

Chairman

Dr. Virender Parshad

Member (Judicial)

Present: Mr. Rohit Sangam, Advocate, with
Ms. Drisha Kansal, Advocate,
for the appellant-promoter.

Mr. Jagdeep Kumar, Advocate,
for the respondent-allottees.

ORDER

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against order dated
09.08.2024 passed by the Authority¹. Operative part thereof
reads as under:-

¹Haryana Real Estate Appellate Authority, Gurugram

“i. The respondent shall pay interest at the prescribed rate i.e. 11% per annum for every month of delay on the amount paid by the complainant after deduction of amount which has already been given by the respondents credit compensation from due date of possession i.e. 14.11.2016 till the date of offer of possession plus two months of the date of handing over whichever is earlier as per proviso to section 18(1) of the Act read with rule 15 of the rules.

ii. The rate of interest chargeable from the allottees by the promoter, in case of default shall be charged at the prescribed rate i.e., 11% by the respondent/promoter which is the same rate of interest which the promoter shall be liable to pay the allottees, in case of default i.e. the delayed possession charges as per section 2(za) of the act.

iii. the respondent is directed to pay arrears of interest accrued, if any, after adjustment in statement of account; within 90 days from the date of this order as per rule 16(2) of the rules.

60. This decision shall mutatis mutandis apply to cases mentioned in para 3 of this order.

61. Complaints stand disposed of.

62. Files be consigned to registry.”

2. Learned counsel are *ad idem* that the main contention as regards complaint having been filed post execution of conveyance deed no longer survives in view of the judgment delivered by this Tribunal in *Appeal No. 946 of 2024 titled as Emaar India Ltd. Vs. Poonam Goel and another decided on 02.07.2026.*

3. Only issue pertains to the date from which delay compensation has to be granted. Admittedly, in view of the judgment delivered by this Tribunal in *Appeal No. 946 of 2024 (supra)*, this Bench held that due date of possession would be as per the agreement. Thus, allottees would be entitled to delay

possession charges for the period from 31.12.2018 to 19.09.2019, in view of the terms incorporated in the agreement.

3. In view of above, the issue as regards the complaint having been filed after execution of the conveyance deed stands decided in terms of the aforesaid judgment. As regards delay possession charges, the respondent-allottees are entitled to the same from 31.12.2018 to 19.09.2019.

4. In view of above, the appeal is disposed of

5. The amount of pre-deposit made by the appellant-promoter along with the appeal 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 parties, as per their entitlement, subject to tax liability, if any.

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

7. Files be consigned to the records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dr.VirenderParshad
Member (Judicial)

08.07.2026
Rajni