

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 949 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. Monika Sharma;
2. Pankaj Kumar Jangid, both r/o Amber-116, 2nd Floor, Emerald
Hills Floors, Sector-65, Gurugram, Haryana-122018.

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. Harshit Joon, Advocate,
for the respondent-allottees.

ORDER

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against order dated
24.09.2024 passed by the Authority¹. Operative part thereof
reads as under:-

*“50. Hence, the authority hereby passes this order
and issues the following directions under section 37
of the Act to ensure compliance to obligations cast*

¹Haryana Real Estate Appellate Authority, Gurugram

upon the promoter as per the function entrusted to the authority under section 34 (f):

“i. The respondent/promoter is directed to pay interest at the prescribed rate i.e. 11.10% per annum for every month of delay on the amount paid by the complainant(s) from the date of nomination letter i.e. 04.12.2017 till the date of offer of possession plus two months or 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. The date of nomination letter and the date of entitlement of delay possession charges are detailed in table given in para 47 of this order. The respondent is directed to pay arrears of interest accrued so far within 90 days from the date of order of this order as per rule 16(2) of the rules.

ii. Also, the amount of compensation already paid by the respondent towards compensation for delay in handing over possession shall be adjusted towards the delay possession charges to be paid by the respondent in terms of proviso to section 18(1) of the Act.

iii. The respondent is directed to not to charge anything which is not part of the buyers' agreement.

51. This decision shall mutatis mutandis apply to cases mentioned in para 3 of this order wherein details of paid up amount is mentioned in each of the complaints.

52. The complaints stand disposed of.

53. Files be consigned to the records.”

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 Admittedly, respondents are subsequent allottees, however the authority while deciding the case has granted them delay possession charges from due date of possession i.e. 04.12.2017 to 01.10.2018. However, the respondents stepped into shoes from the original allottee on 04.12.2017, thus, the delay possession charges would be payable from 04.12.2017 to 01.10.2018

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.Virender Parshad
Member (Judicial)

08.07.2026
Rajni