

**BEFORE THE HARYANA REAL ESTATE APPELLATE
TRIBUNAL**

**Appeal No.761 of 2025
Date of Decision: 10.07.2026**

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.

Appellant

Versus

1. Ankita Garg
2. Tarun Kumar Mittal both residents of Amber 103, First Floor, Emerald Hills Floors. Sector 65, Gurugram 122018.

Respondents

Coram:

Justice Rajan Gupta	Chairman
Shri Dinesh Singh Chauhan	Member (Technical)

Present: Mr. Kunal Dawar, Sr. Advocate assisted by
Mr. Rohit Sangam, Advocate,
Ms. Drisha Kansal, Advocate,
for the appellant.

Mr. Balram Prashar, Advocate for
Mr. Harshit Joon, Advocate,
for the respondents.

ORDER

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against order dated 08.05.2025 passed by the Authority¹ at Gurugram. Operative part thereof reads as under:

- i. The respondent is directed to pay delay interest to the complainants against the paid-up amount after at the prescribed rate i.e. 11.10% p.a. for every month of delay from the date of nomination letter i.e., 27.04.2017 till handing over of possession i.e., 01.02.2019, being earlier, as per*

¹Haryana Real Estate Appellate Authority, Gurugram

section 18(1) of the Act of 2016 read with rule 15 of the rules after adjusting an amount of Rs.1,20,953/- already paid on account of Anti-Profiting and EPR credit.

- ii. A period of 90 days is given to the respondent-builder to comply with the directions given in this order and failing which legal consequences, would follow.*

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. As regards the question of payment of delay possession charges, the respondent-allottees are subsequent allottees who have stepped into the shoes of the original allottee. Thus, they are entitled to delay possession charges only from the date on which they stepped into shoes of the original allottees i.e. 27.04.2017. Accordingly, the delay possession charges would be payable to them for the period from 27.04.2017 to 01.02.2019.

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

Dinesh Singh Chauhan
Member (Technical)