BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

CM No. 2 of 2025 in/and
Appeal No. 1 of 2025

Date of Decision: July 20,2026

Ireo Grace Realtech Private Limited through its Authorised Representative Mrs. Urvashi Yadav, C-4, First Floor, Malviya Nagar, New Delhi-110017

Appellant.

Versus

1. Haryana Real Estate Regulatory Authority, Gurugram
2. Rupam Ahluwalia, House No. D-393, Defence Colony, New Delhi-110024
3. India Infoline Housing Finance Limited, Plot No. 98, Udyog Vihar, Phase IV, Sector 18, Gurugram, Haryana-122016

Respondents

CORAM:

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

Argued by: Mr. Samarth Sagar, Advocate and
Mr. R. S. Khaira, Advocate for the appellant.

None for respondent No. 1.

Mr. Yashvir Singh Balhara, Advocate for respondent No.2.

Mr. Vineet Sehgal, Advocate for respondent No. 3.

O R D E R:

RAJAN GUPTA, CHAIRMAN

Present appeal is directed against order dated 26.05.2023 passed by the Authority[1]. Operative part thereof reads as under:

[1] Haryana Real Estate Regulatory Authority, Gurugram

*"**H. Directions of the authority***

67. Hence, the authority hereby passes this order and issues the following directions under section 37 of the Act to ensure compliance of obligations cast upon the promoter as per the function entrusted to the authority under section 34(f):

i. The respondent/promoter is directed to refund the deposited amount of Rs.37,21,564/- after deducting 10% of the basic sale price of the unit along with interest @ 10.70% p.a. on the refundable amount from the date of cancellation i.e. 18.10.2017 till the date of its payment.

ii. The respondent/promoter is further directed that the outstanding loan amount paid by the financial institution be refunded to the concerned financial institution.

iii. The balance amount with the respondent-builder after paying to the financial institution be refunded to the complainant.

iv. A period of 90 days is given to the respondent/promoter to comply with the directions given in this order and failing which legal consequences would follow.

68. Complaint stands disposed of.

69. File be consigned to the registry."

2. The appeal is accompanied with an application seeking condonation of delay of 503 days in filing thereof.

3. In the application seeking condonation of delay, it is averred that due to incapacity of the promoter to make pre-deposit, the right to file appeal could not be exercised within the prescribed period. It is further averred that the delay is neither intentional nor deliberate.

4. In reply to the application seeking condonation of delay, it is averred that bald averment of 'financial hardship' does not constitute sufficient cause to condone the delay. The delay is intentional.

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

6. 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)**[2], 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;*
>
> *(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;*

[2] SLP (Civil) No. 31248 of 2018, decided on 08.04.2024

(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."

7. 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.

8. 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[3], 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 (503 days) and no cogent reasons are forthcoming for condonation thereof. It is pertinent to mention that appeal before the Tribunal was filed in January, 2025. The appellant-promoter made pre-deposit in September, 2025, i.e. after about eight months. If the appellant-promoter was interested in pursuing the appeal, it could have made pre-deposit at the time of filing of appeal. 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.

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

10. Consequently, the appeal is also dismissed.

11. 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 to be retained by it for disbursement to the parties, according to their entitlement till culmination of execution proceedings, if any pending, subject to tax liability, if any.

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[3] The Real Estate (Regulation and Development) Act, 2016

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

13. File be consigned to records.

Justice Rajan Gupta,
Chairman,
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan
Member (Technical)

July 20,2026
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