

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Date of decision: July 20,2026

(1) Appeal No. 212 of 2025

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 authorized representative Manish Mahajan, aged about 35 years son of Anil Kumar.

Appellant.

Versus

1. Alok Sharma

2. Babita Sharma

Both R/o B-2/410, Plot No. 12, Varun Apartments, Sector 9, Rohini, Delhi-110085

Respondents

(2) Appeal No. 213 of 2025

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 authorized representative Manish Mahajan, aged about 35 years son of Anil Kumar.

Appellant.

Versus

1. Alok Sharma

2. Babita Sharma

Both R/o B-2/410, Plot No. 12, Varun Apartments, Sector 9, Rohini, Delhi-110085

Respondents

(3) Appeal No. 215 of 2025

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 authorized representative Manish Mahajan, aged about 35 years son of Anil Kumar.

Appellant.

Versus

1. Vijay Kumar Jain

2. Mrs. Cheenu Jain

Both R/o S-20/001, Palm Drive, Sector-66, Gurugram, Haryana (122018)

Respondents

(4) Appeal No. 1142 of 2025

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 authorized representative Manish Mahajan, aged about 35 years son of Anil Kumar.

Appellant.

Versus

1. Sanjay Khosla
 2. Deepika Khosla
 R/O C-607, 6th Floor, Nirvana Courtyard Sector-50, Gurugram, Haryana

Respondents

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

Present: Ms. Ankita Chaudhary, Advocate for the appellant.

ORDER:**RAJAN GUPTA, CHAIRMAN:**

This order shall dispose of above-mentioned appeals, as common questions of law and facts are involved therein. However, the facts have been extracted from Appeal No. 212 of 2025.

2 Present appeal is directed against order dated 29.01.2025 passed by the Authority¹. Operative part thereof reads as under:

“H. Directions of the authority:

36. Hence, the Authority hereby passes this order and issue the following directions under section 37

¹Haryana Real Estate Regulatory Authority, Gurugram

of the Act to ensure compliance of obligations cast upon the promoter as per the functions entrusted to the authority under section 34(f) of the Act:-

i. The respondent/promoter shall pay interest at the prescribed rate i.e. 11.10% for every month of delay on the amount paid by the complainants from the due date of possession i.e. 20.09.2018 till the date of offer of possession plus 2 months as per proviso to section 18(1) of the Act read with rule 15 of the rules.

ii. 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 Act.

37. Complaint stands disposed of.

38. File be consigned to the registry.”

3. It appears that the appellant-promoter floated a project-‘Palm Garden Centre’ in Sector 83, Village KhaerkiDaula, Gurugram. The allottees booked a unit therein. The promoter issued provisional allotment letter dated 20.05.2015. Total sale consideration of the unit was Rs.23,82,187/-. The allottees remitted an amount of Rs.23,88,501/-. Buyer’s agreement was executed between the parties on 05.06.2015. Due date of possession was 20.09.2018. Occupation Certificate was granted to the project on 17.10.2019. Offer of possession was made to the allottees on 26.02.2020. Conveyance Deed was also executed in favour of the allottees on 29.10.2020. As there was delay in handing over the possession, the allottees preferred a complaint before the Authority seeking Delay Possession Charges.

4. After hearing rival contentions of the parties, the Authority issued the directions, as reproduced in paragraph No. 2 of this judgment.

5. Aggrieved against the order of the Authority, the promoter has filed the present appeal.

6. Learned counsel for the appellant- promoter has posed a challenge to the impugned order on the grounds that jurisdiction of the Authority was invoked after considerable delay of execution of the conveyance deed and thus, Delay Possession Charges was awarded in violation of terms of Buyer's Agreement.

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

8. The contention of learned counsel for the appellant-promoter that no claim for interest on account of delay in delivery of possession could be maintained after execution of the Conveyance Deed is rejected in view of the judgment of this Tribunal in Appeal No. 946 of 2024—***Emaar India limited v. Poonam Goel and another***, decided on 02.07.2026.

9. Further, argument of learned counsel for the appellant-promoter that interest on the amount paid by the allottees after the due date of possession should be from respective dates of payment is unsustainable in law. We find no infirmity with the order passed by the Authority.

10. In view of above, the appeals are dismissed.

Appeal No. 212 of 2025 and connected matters

11. The amount of pre-deposit made by the promoter in terms of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 along with interest accrued thereon, be remitted to the Authority for disbursement to the parties according to their entitlement, subject to tax liability, if any.

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

13. Files 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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