

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.344 of 2026

Date of Decision: July 21, 2026

Rajender Kumar Somani son of Shri Ram Kumar Somani,
resident of B-329, Lok Vihar, Pitampura Delhi-110034

Appellant.

Versus

M/s Ajay Enterprises Private Limited, 8th Floor, Eros Corporate
Tower, Nehru Place New Delhi 110019

Respondent

CORAM:

Justice Rajan Gupta
Dinesh Singh Chauhan

Chairman
Member (Technical)

Present: Mr. Akshat Mittal, Advocate for the appellant.

O R D E R:

RAJAN GUPTA, CHAIRMAN

The present appeal is directed against the order dated 23.12.2025, passed by the Authority¹, whereby the complaint filed by the appellant-allottee was dismissed as not maintainable.

2. It appears that a project in the name of 'Eros Corporate Park' was floated by the respondent-promoter in IMT Manesar, Gurugram. The appellant-allottee booked a unit therein vide application form dated 07.12.2006. Total sale consideration of the unit was Rs.65,68,000/-. The appellant-allottee remitted an amount of Rs.86,02,780/-. BBA was entered into between the parties on 19.12.2006. According to

¹ Haryana Real Estate Regulatory Authority, Gurugram

agreement, due date of possession was 19.12.2009. Occupation Certificate was granted to the project on 26.05.2011. The respondent-promoter made offer of possession on 29.06.2011. As there was delay in handing over of possession, the appellant-allottee preferred a complaint before the Authority on 20.08.2024 seeking possession of the unit along with delay possession charges.

2. After hearing the rival contentions of the parties, the Authority dismissed the complaint vide the impugned order. Aggrieved, the appellant has preferred the instant appeal.

4. Counsel for the appellant has assailed the order. According to him, the Authority has erred in dismissing the complaint on the ground of delay in filing the same. As per him, the order of the Authority is against law and not sustainable.

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

6. It is evident that the project was contemplated way back in the year 2006 and BBA was executed between the parties on 19.12.2006. As per the terms and conditions thereof, possession of the unit was to be handed over by 19.12.2009. It appears that Occupation Certificate was granted to the project on 26.05.2011 and offer of possession was made on 29.06.2011. Even the unit was formally handed over to the appellant on 12.08.2014. Present complaint was preferred by the appellant in the year 2024 (i.e. after lapse of more than one decade). The main challenge by the appellant is that complaint could not have been dismissed on the ground of delay. However, from the date of grant of Occupation Certificate to the

project and offer of possession made by the respondent to the appellant, it appears to be a pre-RERA project. Thus, this Bench does not feel any need to delve on the question of delay, the project having received Occupation Certificate prior to the enactment of RERA Act². The complaint deserved to be dismissed on this ground alone.

7. The present appeal, thus, does not survive and is hereby dismissed.

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

9. File be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan
Member (Technical)

July 21, 2026
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² The Real Estate (Regulation and Development) Act, 2016