

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.122 of 2025

Date of Decision: July 21, 2026

1. Rajesh Kumar Passi aged about 64 years s/o Sh. Roshan Lall Passi,

2. Poonam Passi aged about 66 years W/o Sh.Rajesh Kumar Passi,

Both R/o AD-80B, Shalimar Bagh, Saraswati Vihar, Delhi-110088

Appellants

Versus

Emaar MGF Land Ltd. presently known as Emaar India Ltd. through its Authorised Signatory having Registered office at: Emaar MGF Business Park, Mehrauli Gurgaon Road, Sikandarpur Chowk, Sector-28, Gurugram-122002

Respondent

CORAM:

**Justice Rajan Gupta
Dr. Virender Parshad
Dinesh Singh Chauhan**

**Chairman
Member (Judicial)
Member (Technical)**

Present: Mr. Neeraj Goel, Advocate for the appellants.

ORDER:

RAJAN GUPTA, CHAIRMAN

Present appeal is directed against the order dated 05.12.2024 passed by the Authority¹, whereby the complaint filed by the appellant-allottees was dismissed being not maintainable.

2. It appears that a project in the name of 'Premier Terraces at Palm Drive' was floated by the respondent-

¹ Haryana Real Estate Regulatory Authority, Gurugram

promoter in Sector 66, Gurugram. The appellants were allotted a unit therein for a total sale consideration of Rs.1,00,43,380/- . The allottees remitted an amount of Rs.1,11,44,015/-. Buyer's agreement was executed between the parties on 24.09.2008. As per agreement, due date of possession was 31.03.2011. Occupation Certificate was granted to the project on 13.02.2017. The promoter made offer of possession on 10.04.2017. Unit was handed over to the allottees vide letter dated 28.06.2017. Even conveyance deed was executed in their favour on 14.07.2017. As there was delay in handing over the possession, the allottees preferred a complaint before the Authority seeking delay possession charges and other ancillary reliefs.

3. The promoter resisted the claim of the allottees on the ground that jurisdiction of the Authority was invoked after considerable delay of execution of the conveyance deed and compensation amounting to Rs.6,87,000/- was credited in the account of the allottees in accordance with buyer's agreement.

4. After hearing rival contentions of the parties, the Authority dismissed the complaint being not maintainable.

5. Aggrieved with the impugned order, the allottees have filed the present appeal.

6. Learned counsel for the allottees submitted that after execution of the conveyance deed and handing over of possession, the allottees continue to retain the status of an 'allottee' and do not cease to be so merely because they have become purchasers by virtue of the conveyance deed.

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

8. The issue with regard to maintainability of a complaint even after execution of conveyance deed is no longer *res integra* in view of the judgment of this Tribunal in Appeal No. 946 of 2024-***Emaar India Limited v. Poonem Goel and another***, decided on 02.07.2026.

9. In view of the above, the appeal is allowed. The order passed by the Authority is set aside. The matter is remitted to the Authority for decision afresh after affording opportunity of hearing to the parties.

10. The appellants are directed to appear before the Authority on 17.08.2026.

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

12. File be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dr. Virender Parshad
Member (Judicial)

Dinesh Singh Chauhan
Member (Technical)

July 21,2026
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