

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 428 of 2024
Date of Decision: 08.07.2026

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, Aged 35 years.

Appellant

Versus

1. Prabodh Praveen;
2. Sushma Sharma Both All residents of 19B/1, Flat No. B1, Angels
Apartment, Mehrauli, New Delhi-110030.

Respondents

Coram:

Justice Rajan Gupta

Chairman

Dr. Virender Parshad

Member (Judicial)

Present: Mr. Rohit Sangam, Advocate, with
Ms. Drisha Kansal, Advocate,
for the appellant-promoter.

Mr. Geetansh Nagpal, Advocate,
for the respondent-allottees.

ORDER

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against order dated
09.04.2024 passed by the Authority¹. Operative part thereof
reads as under:-

*“i. The respondent shall pay interest at the
prescribed rate i.e. 10.85% per annum for every
month of delay on the amount paid by the
complainant from due date of possession i.e.,*

¹Haryana Real Estate Appellate Authority, Gurugram

24.07.2013 till the date of offer of possession i.e., 05.11.2019 plus two months or till the date of actual taking over of possession whichever earlier as per proviso to section 18(1) of the Act read with rule 15 of the rules.

ii. The rate of interest chargeable from the allottees by the promoter, in case of default shall be charged at the prescribed rate i.e., 10.85% by the respondent/promoter which is the same rate of interest which the promoter shall be liable to pay the allottees, in case of default i.e. the delayed possession charges as per section 2(za) of the act.

iii. the respondent is directed to pay arrears of interest accrued within 90 days from the date of this order as per rule 16(2) of the rules.

75. Complaints stand disposed of.

76. Files be consigned to registry.”

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. 10.10.2018. Accordingly, the delay possession charges would be payable to them for the period from 10.10.2018 to 05.01.2020.

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

Dr.Virender Parshad
Member (Judicial)

08.07.2026
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