

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 422 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

Kaveri Anand r/o Ivory 170, Ground Floor, Emerald Hills, Sector-65,
Gurugram.

Respondent

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. Jagdeep Kumar Advocate,
for the respondent-allottee.

ORDER

RAJAN GUPTA, CHAIRMAN (ORAL):

Present appeal is directed against order dated
10.04.2024 passed by the Authority¹. Operative part thereof
reads as under:-

*“40. Hence, the authority hereby passes this order
and issues the following directions under section 37
of the Act to ensure compliance to obligations cast*

¹Haryana Real Estate Appellate Authority, Gurugram

upon the promoter as per the function entrusted to the authority under section 34 (f):

i. The respondent is directed to pay the interest at the prescribed rate i.e., 10.85% per annum for every month delay on the amount paid by the complainant from due date of possession i.e. 19.11.2016 till the date of handing over of possession after adjustment/deduction of the amount already paid if any towards delay in handing over of possession 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.

iii. the respondent is directed to provide a copy of the occupancy certificate to the allottee within a period of 30 days of this order.

iv. The respondent is directed to rectify the structural defects or any other defect in workmanship, quality or provision of services as per the agreement within 30 days of this order and in the event the respondent fails to rectify the defects within the said time period, the complainant may approach the Adjudicating Officer and seek compensation for the same.

41. Complaint stands disposed of.

42. File 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. Only issue pertains to the date from which delay compensation has to be granted. Admittedly, in view of the judgment delivered by this Tribunal in Appeal No. 946 of 2024 (supra), this Bench held that due date of possession would be as per the agreement. Thus, allottees would be entitled to delay possession charges for the period from 19.11.2016 to 07.07.2019, in view of the terms incorporated in the agreement.

3. In view of above, the issue as regards the complaint having been filed after execution of the conveyance deed stands decided in terms of the aforesaid judgment. As regards delay possession charges, the respondent-allottees are entitled to the same from 19.11.2016 to 07.07.2019,

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.VirenderParshad
Member (Judicial)

08.07.2026
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