

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

CM No.1384 of 2026 in/and

Appeal No. 384 of 2026

Date of decision: August 07,2026

Varun Roperia s/o Col Iqbal Singh Roperia (Retd.), R/o Flat No. 128, Block No. 9, Hope Apartments, Sector 15, Part-2, Gurgaon (Haryana)-122001.

Appellant

Versus

M/s Aarcity Builders Private Limited, Registered Office: 301, Krishna Apra Business Square, Netaji Subhash Place, District Centre, Pitampura, New Delhi-110034.

Respondent

CORAM:

**Justice Rajan Gupta
Dinesh Singh Chauhan**

**Chairman
Member (Technical)**

Present: Mr. Shamsheer Singh, Advocate
Ms. Radha Singh, Advocate and Ms. Nikita,
Advocate for the appellant.

ORDER:

RAJAN GUPTA, CHAIRMAN

Present appeal is directed against order dated 05.05.2022, passed by the Authority¹, whereby the respondent has been directed to pay Rs.47,23,560/- to the appellant-allottee.

2. Brief factual matrix of the case is that the appellant-allottee booked a unit in the project 'Regancy Park' floated by the respondent—promoter at Hisar. He remitted an amount of Rs.26,08,800/- to the respondent-promoter. As the respondent-promoter failed to deliver the unit in time, he filed a complaint

¹ Haryana Real Estate Regulatory Authority, Panchkula

before the Authority seeking refund along with interest. Vide the impugned order, the Authority directed the respondent-promoter to refund Rs.47,23,560/- to the appellant-allottee.

3. The appeal is accompanied with an application seeking condonation of delay of 1430 days in filing thereof. In fact, the delay is of 1349 days as per report of the Registry. In the application, it is averred that receipt of last payment remitted by the allottee to the promoter was not in his possession. Due to clerical error, the said amount could not be included and hence, wrong calculations were made. The previous counsel engaged by the allottee failed to bring specific discrepancy to the knowledge of the Authority. The error came to the knowledge of the appellant-allottee when he engaged new counsel. The counsel did not supply the copy of impugned order on time. Thereafter, due to COVID-19, the delay occurred. The delay is neither intentional nor deliberate.

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

5. It is trite law that in case the grounds are so specious that sufficient cause for condoning the delay is not made out, such application has to be rejected. In a recent judgment of the Supreme Court in **Pathapati Subba Reddy (Died) by L.Rs. & Ors. V. The Special Deputy Collector (LA)**², various principles governing condonation of delay have been culled out. Paragraph 26 thereof is reproduced hereunder:

² SLP (Civil) No. 31248 of 2018, decided on 08.04.2024

26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

- (i) Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself.*
- (ii) A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;*
- (iii) The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;*
- (iv) In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;*
- (v) Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;*
- (vi) Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;*
- (vii) Merits of the case are not required to be considered in condoning the delay; and*
- (viii) Delay condonation application has to be decided on the parameters laid down for condoning the*

delay for the reason that the conditions have been imposed, tantamount to disregarding the statutory provision.”

6. On a perusal of the principles laid down in the aforesaid judgment, it is evident that though a liberal and justice-oriented approach has to be adopted, it cannot be used to defeat the substantial law of limitation as contained in Section 3 of the Limitation Act. Every application has to be decided in the light of facts and circumstances of each case. A right or remedy which has not been exercised for a long time, must come to an end or cease to exist after a fixed period of time.

7. In the instant case, the grounds given by the appellant-allottee for condoning the delay in filing appeal are not at all convincing. The allottee has merely given circuitous pleas in support of its application for condonation of delay. Had the appellant-allottee been vigilant in pursuing the matter, he would have preferred the rectification application immediately. However, he slept over the matter and filed the present appeal after an inordinate delay of 1349 days for monetary gain. Negligence, inaction or a bald blame-shifting towards a previous counsel does not automatically constitute ‘sufficient cause’ to condone the inordinate delay. The allottee cannot remain completely inactive, assuming that the advocate is managing everything without follow-up and later use counsel’s negligence as a universal shield. Under Section 44(2) of the Real Estate (Regulation and Development) Act, 2016, a period of 60 days has been prescribed for preferring an appeal. However, in the instant case, appeal has been filed after

inordinate delay and no cogent reasons are forthcoming for condonation thereof. The appellant has failed to prove that he was reasonably diligent in prosecuting the matter and this vital test for condoning the delay is not satisfied in the present case.

8. The application is, thus, without any merit and is dismissed.

9. Consequently, the appeal is also dismissed.

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

11. File be consigned to records.

Justice Rajan Gupta,
Chairman,
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan
Member (Technical)

August 07,2026
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