

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.727 of 2023

Date of Decision: September 25,2026

1. Gopal Krishan Arora

2. Sunita Arora

Both R/o C-1/17, First Floor, Rana Pratap Bagh, Malka Ganj,
New Delhi-110007

Appellants

Versus

1. M/s Tata Housing Development Co. Ltd., Tower 12th Floor,
Kamala Mills Compound Senapati Bapat Marg, Lower Parel,
West Mumbai-400013

2. M/s Gurgaon Infratech Pvt. Ltd.

3. M/s Ardent Properties Pvt. Ltd.

4. M/s Landscape Structure Pvt. Ltd.

All are residents of Tower-1, 10th Floor, 124, Connaught place,
New Delhi-110001

Respondents

CORAM:

Justice Rajan Gupta
Dr. Virender Parshad

Chairman
Member (Judicial)

Present: Mr. Sandeep Khunger, Advocate for the appellant.
Mr. Rohit Sangam, Advocate for the respondent.

O R D E R:

RAJAN GUPTA, CHAIRMAN

Present appeal is directed against order dated
19.09.2023 passed by the Authority¹, whereby the complaint
filed by the appellants was dismissed on the ground of delay.

¹ Haryana Real Estate Regulatory Authority, Gurugram

2. It appears that the appellants booked a unit in the project 'Primanti' floated by the respondent-promoter in Sector 72, Gurugram. Unit bearing No. T-4, 304 on 3rd floor in tower-4 was allotted to the appellants vide allotment letter dated 25.11.2011. Total sale consideration of the unit was Rs.1,48,43,250/-, out of which, the appellant-allottees remitted an amount of Rs.1,44,69,517/-. Agreement to sell was executed between the parties on 16.01.2012. As per agreement, due date of possession was 16.12.2014. Occupation Certificate was granted to the project on 24.08.2016. Offer of possession was made to the allottees on 26.12.2016. Possession was handed over to the allottees on 05.04.2017. Even conveyance deed was executed in their favour on 30.03.2018. As there was delay in handing over the possession, the allottees preferred a complaint before the Authority on 14.09.2022 seeking delay possession charges.

3. After hearing the rival contentions of the parties, the Authority dismissed the complaint vide the impugned order. Aggrieved, the appellants have preferred the instant appeal.

4. Counsel for the appellants 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 not sustainable and against law.

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

6. A perusal of the record shows that the project was contemplated way back in 2008. As per agreement, the promoter was under obligation to offer possession by

16.12.2014. Occupation Certificate was granted to the project on 24.08.2016 and offer of possession was made to the allottees on 26.12.2016. Present complaint was preferred by the appellants in the year 2022 (i.e. after lapse of about 06 years from the date of offer of possession). It also remains uncontroverted that possession was handed over to the appellant-allottees vide letter dated 05.04.2017 and conveyance deed was executed in their favour on 30.03.2018. The main challenge by the appellants is that complaint could not have been dismissed on the ground of delay. However, from the date of Occupation Certificate and offer of possession, it appears to be a pre-RERA project. Thus, this Bench does not feel any need to delve on the question of delay, offer of possession having been made in the year 2016 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 this 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

Dr. Virender Parshad
Member (Judicial)

September 25, 2026

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

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