BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.653 of 2026

Date of Decision: October 09,2026

1. Vinod Verma aged about 78 years, S/o Sh. Radhey Shayam Verma, R/O B E-3 First Floor, Shalimar Bagh, S.O., North West Delhi, Delhi-110088

2. Alka Verma aged about 71 years, W/o Vinod Verma, R/O B E-3 First Floor, Shalimar Bagh, S.O., North West Delhi, Delhi,-110088

Appellants

Versus

1. M/s Senior Builders Ltd., Office at:- B-109, Defence Colony, New Delhi-110024

2. Avdesh Yadav, resident at:-House No. 905, Sector 17-B, Gurugram, Haryana

3. Dhananjay Rao, resident at:-House No. 905, Sector 17B, Gurugram, Haryana

4. M/s Advance India Projects Ltd., Office at:-AIPL Business Club, Fifth Floor, Golf Course Extension Road, Sector 62, Gurugram, Haryana-122101

Respondents

CORAM:

Justice Rajan Gupta **Chairman**
Dinesh Singh Chauhan **Member (Technial)**

Present: Mr. Jaspal Singh Pannu, Advocate for the appellants.

O R D E R:

RAJAN GUPTA, CHAIRMAN

Present appeal is directed against order dated13.01.2026 passed by the Authority[1], whereby the

[1] Haryana Real Estate Regulatory Authority, Gurugram

complaint filed by the appellants was dismissed on the ground of delay.

2. It appears that the appellants booked a unit in the project "Senior Destination Point-MG Road, Gurugram" floated by respondent No. 1 (promoter). Unit bearing No. T-23 on third floor was allotted to the appellants vide allotment letter dated 26.06.2008. Basic sale consideration of the unit was Rs.15,02,920/-. The appellants remitted whole of the amount to the promoter. No commercial buyer's agreement was executed between the parties. As per allotment letter, possession was to be given to the appellants within 24 months from the date of sanction of building plans. As there was delay in handing over the possession, the appellants filed a complaint before the Authority seeking delay possession charges and other ancillary reliefs.

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 is against law.

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

6. A perusal of the record shows that the project was scrapped in 2012. Vide order dated 14.11.2011, licence of the project was cancelled by Director, Town and Country Planning.

Allotment was made in favour of the appellants on 26.06.2008. As per clause 16 of the allotment letter, the promoter was under obligation to offer possession within 24 months from the date of sanction of building plans. Complaint was preferred by the appellants in the year 2023 (i.e. after lapse of about 15 years from the date of allotment). The main challenge by the appellants is that complaint could not have been dismissed on the ground of delay. However, from the date of allotment and possession clause, it appears to be a pre-RERA project. Thus, this Bench does not feel any need to delve on the question of delay, the project having been scrapped in the year 2012, prior to the enactment of RERA Act[2]. 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

Dinesh Singh Chauhan
Member (Technical)

October 09,2026
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[2] The Real Estate (Regulation and Development) Act, 2016