BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.385 of 2025

Date of Decision: October 14,2026

Dr. Sangeeta Gorang wife of Suraj Pal Singh, House No. C-702, Aerens, Palm Residency, behind Heritage Lawns, Sector 35, Karnal-132001 (Haryana)

Appellant

Versus

1. Anil Gupta, MD, Sunniva Promoters Pvt. Ltd., Registered Office at 43 Nehru Palace, New Delhi-110019

2. Multan Singh, Director of Sunniva Promoters, Office at Shopping Centre, Palm Residency, Sector 35, Karnal-132001 (Haryana)

3. Vikas Sharma, Director of Sunniva Promoters, Office at Shopping Centre, Palm Residency, Sector 35, Karnal-132001 (Haryana)

4. Krishan Kumar Aggarwal, Director, Registered Office at 1411, Chiranjiv Towers, 43, Nehru Place, New Delhi-110019

5. Hukam Singh, Director, Registered Office at 1411, Chiranjiv Towers, 43, Nehru Palace, New Delhi-110019

6. Sunniva Promoters Pvt. Ltd., Director, Registered Office at 1411, Chiranjiv Towers, 43, Nehru Place, New Delhi-11009

7. Rajesh Bhatia, Director, Sunniva Promoters Pvt. Ltd., Registered Office at 1411, Chiranjiv Towers, 43, Nehru Place, New Delhi-110019

8. Sunniva Promoters Pvt. Ltd. Director, Shopping Complex, Shop No. 1, Palm Residency, Sector 35, Karnal-132001 (Haryana)

Respondents

CORAM:

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

Present: Mr. Govind Chauhan, Advocate for the appellant.

Mr. Lal Chand, ADA for DTCP, Haryana

O R D E R:

RAJAN GUPTA, CHAIRMAN

Present appeal is directed against order dated 17.02.2025, passed by the Authority[1], whereby the complaint filed by the appellant was dismissed.

2. It appears that the appellant booked a unit in a project floated by the promoter, namely, Sunniva Promoters Ltd. in the year 2007 for a total sale consideration of Rs.24,74,680/-. On 18.09.20207, the promoter issued Flat Buyer's Agreement for Flat No. C-702, 7th Floor. The allottee remitted an amount of Rs.25,75,680/-. As per allotment letter, possession of the unit was to be handed over within two years from the allotment date i.e. on or before 18.09.2009. However, the allottee received the keys of the unit only on 18.09.2010 i.e. after one year of due date of possession. After a lapse of more than 11 years, the allottee invoked the jurisdiction of the Authority by filing a complaint on 07.12.2021 seeking direction to the promoter to execute the conveyance deed of the unit in question and to pay compensation.

3. The stand of the promoter before the Authority was that the allottee failed to clear the outstanding dues despite letter/notice. On 30.10.20213, the promoter informed the allottee to complete the process of executing the conveyance deed upon clearance of outstanding dues, but she failed to do so.

[1] Haryana Real Estate Regulatory Authority, Gurugram

4. After hearing rival contentions of the parties, the Authority dismissed the complaint of the allottee on the ground of delay.

4. Counsel for the appellant 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 2007. As per agreement, the promoter was under obligation to offer possession by 18.09.2009. Possession of the unit was handed over to the allottee on 18.09.2010. Thereafter, the allottee remained quiet for almost 11 years. She filed the complaint before the Authority in the year 2021. During the course of hearing before the Authority, it was also noticed that Occupation Certificate to the project was granted on 09.07.2013. The allottee filed a complaint before the Authority in the year 2021.

7. The plea of the allottee that it sent a hand written letter to the promoter on 16.12.2011 regarding pending issues, is mis-conceived as no proof of service thereof on the promoter has been annexed.

8. The main challenge by the appellant 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, possession having been handed over in the year 2010 prior to the enactment of RERA Act[2]. The complaint deserved to be dismissed on this ground alone.

9. The present appeal, thus, does not survive and is hereby 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)

October 14,2026
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[2] The Real Estate (Regulation and Development) Act, 2016