BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.1169 of 2025

Date of Decision: October 28,2026

Pramod Raghav through Authorized Representative-Mr. Rohit Verma, A-51, Floor 2nd, Vasant Kunj Enclave, New Delhi-110070

Appellant

Versus

1. M/s Bestech India Private Limited,

2. M/s Park View Facilities Private Limited,

Office Address: Unit No. 5-D, 5th Floor, Assets Area-4, Delhi Aerocity Hospitality, District West Delhi, New Delhi, Delhi, India-110037

Respondents

CORAM:

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

Present: Mr. Silverster Stephen, Advocate for
Mr. Alok Mittal, Advocate for the appellant.

Mr. Sanjay Vij, Advocate for the respondents.

O R D E R:

RAJAN GUPTA, CHAIRMAN

Present appeal is directed against order dated 06.08.2025 passed by the Authority[1], whereby the complaint filed by the appellant was dismissed.

2. It appears that a commercial project in the name and style of 'Orient Bestech Business Tower' was floated by respondent No. 1-promoter in village Khandsa, NH-8,

[1] Haryana Real Estate Regulatory Authority, Gurugram

Gurugram. The appellant booked an office space therein for a total sale consideration of Rs.62,62,500/-. The appellant remitted an amount of Rs.76,54,748/-. Builder Buyer's Agreement was executed between the parties on 01.07.2010. As per agreement, due date of possession was 01.07.2012. Occupation Certificate to the project was granted on 08.05.2013. The promoter offered possession to the allottee on 01.07.2013. After a lapse of more than 11 years, the allottee invoked the jurisdiction of the Authority by filing a complaint seeking direction to the promoter to hand over possession of the office space, delay possession charges and other ancillary reliefs.

3. The stand of the promoter before the Authority was that the allottee failed to adhere to the agreement to clear the outstanding dues despite letters/notices.

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

5. Counsel for the appellant has assailed the order. According to him, the Authority has erred in dismissing the complaint on the ground of delay. As per him, the order of the Authority is not sustainable and against law.

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

7. A perusal of the record shows that the project was contemplated way back in 2006. As per agreement, the promoter was under obligation to offer possession by 01.07.2012. Occupation Certificate to the project was granted

on 08.05.2013. Offer of possession was made to the appellant on 01.07.2013. Thereafter, the allottee remained quiet for almost 11 years. He filed the complaint before the Authority in the year 2024.

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 offered on 01.07.2013, prior to the enactment of RERA Act[2]. The complaint deserves 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 28,2026
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[2] The Real Estate (Regulation and Development) Act, 2016