BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 713 of 2025

Date of decision: October 28,2026

Emaar India Limited (formerly known as Emaar MGF Land Limited), 306-308, 3rd Floor, Square One, C-2, District Centre, Saket, New Delhi-110017, Also at Emar Business Park, MG Road, Sikanderpur Chowk, Sector-28, Gurugram-122002, Haryana through its Authorized Representative Manish Mahajan, aged about 35 years S/o Anil Kumar

Appellant.

Versus

M/s Valco Industries (through its Managing Director), R/o Plot No. 184, Industrial Area, Phase-I, Chandigarh

Respondent

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

Present: Ms. Ankita Chaudhary, Advocate for the appellant.

Ms. Preeti Manderna, Advocate and
Ms. Pallavi Attoria, Advocate for the respondent.

O R D E R:

RAJAN GUPTA, CHAIRMAN:

Present appeal is directed against order dated 21.05.2025 passed by the Authority[1]. Operative part thereof reads as under:

> ***"H. Directions of the authority:***
>
> *35. Hence, the Authority hereby passes this order and issues the following directions under section 37 of the Act to ensure compliance of obligations cast upon the promoter as per the functions entrusted to the authority under section 34(f) of the Act:-:*
>
> *i. The respondent/promoter shall pay interest at the prescribed rate i.e. 11.10% for every month of delay*

[1]Haryana Real Estate Regulatory Authority, Gurugram

on the amount paid by the complainant from the due date of possession i.e. 27.05.2013 till the date of offer of possession plus 2 months or actual handover after obtaining the occupation certificate, whichever is earlier, after adjustment/deduction of the amount already paid if any towards delay in handing over of possession as per proviso to section 18(1) of the Act read with rule 15 of the rules.

ii. The respondent is directed to pay arrears of interest accrued, if any, after adjustment in statement of account within 90 days from the date of this order as per rule 16(2) of the Act.

36. Complaint stands disposed of.

37. File be consigned to the registry."

2. It appears that a project in the name and style of 'Emerald Plaza' was floated by the appellant-promoter in Sector 65, Gurugram. The respondent-allottee booked a unit therein. The promoter issued provisional allotment letter dated 17.06.2010. Buyer's agreement was executed between the parties on 27.07.2010. Total sale consideration of the unit was Rs.44,95,252/-. The allottee remitted an amount of Rs.49,87,517/-. As per agreement, due date of possession was 27.05.2013. Occupation Certificate to the project was granted on 08.01.2018. Offer of possession was made to the allottee on 27.01.2018. Unit was handed over to the allottee vide letter dated 29.05.2019. Conveyance Deed was also executed in favour of the allottee on 03.06.2019. As there was delay in handing over the possession, the allottee preferred a complaint in the year 2022before the Authorityseeking delay possession charges.

3. After hearing rival contentions of the parties, the Authority issued the directions, as reproduced inthe openingparagraph of this order.

4. Aggrieved against the order of the Authority, the appellant- promoter has filed the present appeal.

5. Learned counsel for the appellant- promoter has posed a challenge to the impugned order on the ground that jurisdiction of the Authority was invoked almost three years after execution of the conveyance deed and thus, delay possession charges were awarded in violation of terms of BBA.

6. On the other hand, learned counsel for the respondent-allottee supported the impugned order.

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

8. The contention of learned counsel for the appellant-promoter that no claim for interest on account of delay in delivery of possession could be maintained after execution of the conveyance deed is rejected in view of the judgment of this Tribunal in Appeal No. 946 of 2024—***Emaar India limited v. Poonam Goel and another,*** decided on 02.07.2026.

9. Further, argument of learned counsel for the appellant-promoter that interest on the amount paid by the allottee after the due date of possession should be from respective dates of payment is unsustainable in law. We, thus, find no infirmity with the order passed by the Authority.

10. In view of above, the appeal is dismissed.

11. The amount of pre-deposit made by the appellant-promoter in terms of proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 along with interest accrued thereon, be remitted to the Authority for disbursement to the parties according to their entitlement, subject to tax liability, if any.

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

13. 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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