BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Date of Decision: November 03,2026

(1) Appeal No. 453 of 2025

Rajan Prem Passi S/o Mr. Prem Raj Passi R/o 381 D, Pocket J&K, Dilshad Garden, Delhi-110095

Appellant

Versus

M/s Emaar MGF Land Ltd., presently known as Emaar India Ltd. through its Authorized Signatory having Registered Office at: Emaar MGF Business Park, Mehrauli Gurgaon Road, Sikandarpur Chownk, Sector 28, Gurugram-122002

Respondent

(1) Appeal No. 454 of 2025

1. Rajiv Malhotra S/o Mr. J. L. Malhotra
2. Jyoti Malhotra W/o Mr. Rajiv Malhotra
Both R/o E-28, Sector 39, Noida, Uttar Pradesh-201303.

Appellants

Versus

M/s Emaar MGF Land Ltd., presently known as Emaar India Ltd. through its Authorized Signatory having Registered Office at: Emaar MGF Business Park, Mehrauli Gurgaon Road, Sikandarpur Chownk, Sector 28, Gurugram-122002

Respondent

CORAM:

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

Present: Mr. Neeraj Goel, Advocate for the appellants.

Mr. Rohit Sangam, Advocate for the respondent.

O R D E R:

RAJAN GUPTA, CHAIRMAN

This order shall dispose of the above-mentioned appeals, as common questions of law and facts are involved therein. However, the facts have been extracted from Appeal No. 454 of 2025.

2. Present appeal is directed against order dated 06.03.2025 passed by the Authority[1], whereby the complaint filed by the appellants was dismissed.

3. It appears that a project in the name and style of 'Premier Terraces at Palm Drive' was floated by the respondent-promoter. The appellant-allottees booked a unit therein. Total sale consideration of the unit was 2,12,96,230/-, out of which the allottees remitted an amount of Rs.2,31,06,561/-. Builder Buyer's Agreement (BBA) was executed between the parties on 02.06.2008. Due date of possession was March, 2011. Occupation Certificate was granted to the project on 13.02.2017. Offer of possession was made to the allottees on 28.03.2017. Possession of the unit was handed over on 14.06.2017. Even conveyance deed was executed in their favour on 10.08.2017. As there was delay in handing over the possession, the allottees invoked the jurisdiction of the Authority by filing a complaint in the year 2022 seeking delay possession charges and ancillary reliefs.

4. The stand of the respondent-promoter before the Authority was that the complaint filed by the allottees was not

[1] Haryana Real Estate Regulatory Authority, Gurugram

maintainable as Occupation Certificate in respect of the unit was granted on 13.02.2017.

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

6. Feeling aggrieved with the impugned order, the appellants have filed the present appeal.

7. Learned counsel for the appellant-allottees 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.

8. On the other hand, learned counsel for the respondent-promoter has supported the impugned order.

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

10. 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 March, 2011. Occupation Certificate to the project was granted on 13.02.2017. Offer of possession was made to the appellants on 28.03.2017. Even conveyance deed was executed in their favour on 10.08.2017. Thereafter, the allottees remained quiet for almost five years. They filed the complaint before the Authority in the year 2022.

11. 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, possession having been offered on 28.03.2017, prior to the enactment of RERA Act[2]. The complaint deserves to be dismissed on this ground alone.

12. The present appeals, thus, do not survive and are hereby dismissed.

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

14. Files be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan
Member (Technical)

November 03,2026
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[2] The Real Estate (Regulation and Development) Act, 2016