

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 113 of 2025

Date of decision: August 31, 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 Emaar Business Park, MG Road, Sikanderpur Chowk, Sector 28, Gurugram -122002, Haryana through its Authorised Representative Manish Mahajan, aged about 35 years S/o Anil Kumar

Appellant.

Versus

1. Koushik Samaddar
2. Bhaswati Samaddar

Both R/o Flat No. 123, Sector 1, Block-DB-2012, Salt Lake City, Bidhan Nagar (M), North 24 Parganas, West Bengal-700064

Respondents

CORAM:

Justice Rajan Gupta

Chairman

Dr. Virender Parshad

Member (Judicial)

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

ORDER:

RAJAN GUPTA, CHAIRMAN:

Present appeal is directed against order dated 08.01.2025 passed by the Authority¹. Operative part thereof reads as under:

“H. Directionsof the authority:

35. Hence, the Authority hereby passes this order and issue 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 on the amount paid by the complainants from the due date of possession i.e. 09.11.2025 till the date

¹Haryana Real Estate Regulatory Authority, Gurugram

of offer of possession plus 2 months 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 'Palm Gardens' was floated by the appellant-promoter in Sector 83, Gurugram. The respondent-allottees booked a unit therein. Total sale consideration of the unit was Rs.1,01,68,913/-. The respondent-allottees remitted an amount of Rs.1,01,68,916/-. Due date of possession was 09.11.2015. Occupation Certificate was granted to the project on 02.05.2019. Offer of possession was made to the respondent-allottees on 06.05.2019. The unit was handed over to the allottees vide letter dated 07.08.2019. Conveyance Deed was also executed in favour of the allottees on 21.08.2019. As there was delay in handing over the possession, the allottees preferred a complaint before the Authority seeking Delay Possession Charges.

3. After hearing rival contentions of the parties, the Authority issued the directions, as reproduced in the opening paragraph of this order.

4. Aggrieved by the order of the Authority, the promoter has filed the present appeal.

5. The promoter has assailed the impugned order on the ground that no claim for interest on account of delay in delivery of possession could be maintained after the execution of the Conveyance Deed, as all contractual obligations stood discharged upon execution thereof. The claim for interest on account of delay could not be raised once the possession of the unit was handed over on 07.08.2019 and conveyance deed executed on 21.08.2019. The appellant stood discharged of all obligations under various provisions of the Act. No cause of action would survive after execution of the conveyance deed.

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

7. The issue with regard to maintainability of a complaint after execution of the Conveyance Deed is no longer *res integra* 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.

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

9. The amount of pre-deposit made by the appellant-promoter, along with interest accrued thereon, be remitted to the Authority for disbursement to the respondent-allottees, subject to tax liability, if any.

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

Appeal No.113 of 2025

Dr. Virender Parshad
Member (Judicial)

August 31,2026
mk