

BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No.06 of 2025

Date of Decision: September 08,2026

Mrs. Shakuntala Devi W/o Sh. Harveer Singh, R/o House No. 205, Lajpat Nagar, Gun House, Hisar-125001, Haryana.

Appellant

Versus

Emaar India Limited, Emaar MGF Business Park, 2nd Floor, Mehrauli Gurgaon Road, Sikanderpur Chowk, Sector-28, Gurugram-122002, Haryana

Respondent

CORAM:

**Justice Rajan Gupta
Dinesh Singh Chauhan**

**Chairman
Member (Technical)**

O R D E R:

RAJAN GUPTA, CHAIRMAN

Present appeal is directed against the order dated 24.09.2024, passed by the Authority¹, vide which, the complaint filed by the appellant-allottee was dismissed on the ground of delay.

2. It appears that a project in the name and style of 'Emerald Hills' was floated by the respondent-promoter in Sector 65, Urban Estate, Gurgaon. A unit measuring 267 square yards was allotted to the appellant (original allottee) vide provisional allotment letter dated 16.02.2010. Thereafter, BBA was executed between the original allottee and the respondent-

¹ Haryana Real Estate Regulatory Authority, Gurugram

promoter on 17.03.2010, which was later on endorsed in the name of Abhinav Balyan, who further transferred his rights in the said unit in favour of the appellant-allottee by executing an agreement to sell on 20.06.2012. and the appellant was executed on 20.06.2012. Nomination letter in the name of the appellant was issued on 28.06.2012. Total sale consideration of the unit was Rs.45,13,615/-. Due date of possession was 17.12.2012. Occupation Certificate was granted to the project on 09.06.2016. Offer of possession was made to the appellant on 23.01.2017. The unit was handed over to the appellant on 06.04.2018. Even conveyance deed was executed in her favour on 28.12.2020. As there was delay in handing over the possession, the appellant preferred a complaint before the Authority seeking Delay Possession Charges from the due date of possession till the date of actual physical possession along with interest.

3. After hearing the rival contentions of the parties, the Authority dismissed the complaint vide the impugned order. Aggrieved, the appellant has preferred the instant appeal.

4. Counsel for the appellant has assailed the impugned 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 unsustainable and against law.

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

6. It is evident that the project was contemplated way back in the year 2010 and buyer's agreement was executed on

17.03.2010. The appellant stepped into the shoes of the original allottee on 20.06.2012. As per the terms and conditions of the agreement, due date of possession was 17.12.2012. It appears that the project was considerably delayed, yet Occupation Certificate was granted to the promoter on 09.06.2016 and offer of possession to the appellant was made on 23.01.2017. Even the unit was formally handed over on 06.04.2018. Thereafter, conveyance deed was executed on 28.12.2020. Present complaint was preferred by the appellant in the year 2022. The main challenge by the appellant is that the complaint could not have been dismissed on the ground of delay. However, from the date of grant of Occupation Certificate and offer of possession, it appears to be a pre-RERA project and a valid offer of possession having been made prior to the enactment of RERA, this Bench does not see any reason to delve on this question. The complaint deserved to be dismissed on this ground alone.

7. The present appeal, thus, does not survive and is hereby dismissed.

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

9. File be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan
Member (Technical)

September 08, 2026
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