BEFORE THE HARYANA REAL ESTATE APPELLATE TRIBUNAL

Appeal No. 342 of 2026

Date of Decision: November 16,2026

1. Jayant Vohra, 146C, Pocket C, Siddharth Extension, New Delhi

2. Krishna Lata, G-159, Palam Vihar, Gurugram

3. Nitin Ahuja, House No. 202, Amber Court 1, Essel Towers, MG Road, Gurugram

Appellants

Versus

1. M/s Bestech India Pvt. Ltd., Bestech House, 124, Sector-44, Gurugram, Haryana-122002

2. Dharamendra Bhandari, Director of Bestech India Pvt. Ltd., Bestech House, 124, Sector-44, Gurugram, Haryana-122002

3. Sunil Satija, Director of Bestech India Pvt. Ltd., Bestech House, 124, Sector-44, Gurugram, Haryana-122002

Respondents

CORAM:

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

Present: Mr. Shehbaz Thind, Advocate for the appellants.

Mr. Sanjay Vij, Advocate with Mr. Uday Vij,
Advocate for the respondents.

O R D E R:

RAJAN GUPTA, CHAIRMAN

Present appeal is directed against order dated 23.12.2025 passed by the Authority[1], whereby the complaint filed by the appellants 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 on NH-8, Sector-34, Gurugram. The appellants booked an office space therein for a total sale consideration of Rs.1,27,62,500/-. The appellants remitted an amount of Rs.1,44,01,497/-. Buyer's agreement was executed between the parties on 15.07.2016. As per agreement, due date of possession was 15.07.2018. 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 10 years, the allottee invoked the jurisdiction of the Authority by filing a complaint seeking refund of the paid-up amount along with interest.

3. The stand of the promoter before the Authority was that the allottees 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 allottees on the ground of delay.

5. Counsel for the appellants has assailed the order. According to him, the Authority has erred in dismissing the

[1] Haryana Real Estate Regulatory Authority, Gurugram

complaint on the ground of delay. As per him, the order of the Authority is not sustainable and against law.

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

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

8. 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 15.07.2018. Occupation Certificate to the project was granted on 08.05.2013. Offer of possession was made to the appellants on 01.07.2013. Thereafter, the allottees remained quiet for more than ten years. They filed the complaint before the Authority in the year 2024. The Authority dismissed the complaint on the ground of delay. In view of the judgment of Hon'ble Punjab and Haryana High Court in RERA Appeal No. 146 of 2026—***Emaar India Limited v. Poonam Goel and another,*** decided on 05.10.2026, we do not find any illegality or infirmity in the impugned order.

9. 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.

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

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

12. File be consigned to records.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

Dinesh Singh Chauhan
Member (Technical)

November 16,2026
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[2] The Real Estate (Regulation and Development) Act, 2016