

Emaar India Ltd.
Vs.
Harsh Aggarwal
CM Nos. 954,603,604 & 605 of 2024
In Appeal No. 285 of 2024

Present: Ms. Tanika Goyal, Advocate,
for the appellant.

On the last date of hearing, the following order was
passed in this case:-

*“Report has been received from the Registry
stating therein that all the objections raised by it have
been removed. Registrar to examine and report.*

List on 19.10.2024.”

Report has been received from the Registrar, which
reads as under:-

*“I have examined the case file and report of
registry. The appellant was required to pay rupees
46,41,158/- to comply proviso to Section 43(5) of the
Act, 2016.*

The entire amount has already been deposited.”

In view of above, it is evident that entire pre-
deposit has been made by the appellant-promoter.

On merits, learned counsel for the appellant
inter alia contends that order passed by the Authority is erroneous
in nature. Appellant-promoter received occupation certificate on
08.01.2018 and offered possession on 23.01.2018. As per her, the
offer of possession has been held to be invalid by the Authority on
the ground that certain unreasonable demands were made along
with offer of possession, whereas there is nothing on record to
show that any unreasonable demand was made by the appellant.
Thus, the direction that delay possession charges be granted from
the due date of possession i.e. 17.03.2013 till the actual date of
possession along with interests is unsustainable.

Appeal be registered.

Issue notice to the respondent for 09.01.2025.

Notice re: application seeking condonation of
delay as well.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

19.10.2024
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