

Emaar India Ltd.
Vs.
Indira Rani & Anr.
CM Nos. 1575, 1430, 1431 and 1432 of 2023
In Appeal No.402 of 2023

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

Learned counsel for the appellant submits that pre-deposit as envisaged by proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 has been made. Report of the Registry is to the same effect.

Learned counsel for the appellant has posed a challenge to the order passed by the Authority below on the grounds inter alia (i) that the complaint was filed after lapse of considerable time of execution conveyance deed. As per learned counsel such a complaint is not maintainable after execution of the conveyance deed as the ownership of the property passes on to the allottee; (ii) that the benefit of grace period has not been granted to the appellant-promoter, which was legitimately due in view of the terms of the Builder Buyer's Agreement; (iii) that the Authority has not considered the fact that the interest on the payments made by the allottee after the due date has to be calculated from respective date of payments not from the due date of offer of possession.

Issue notice to the respondent for 02.05.2024.

Notice re: Condonation of delay (CM Nos. 1575 & 1430 of 2023) in filing and re-filing of the appeal as well.

Process be issued for this purpose.

Justice Rajan Gupta
Chairman
Haryana Real Estate Appellate Tribunal

07.03.2024
Manoj Rana